
HOUSE BILL 2307

State of Washington

54th Legislature

1996 Regular Session

By Representatives Pennington, Thompson, Buck, Chandler, Chappell,
Hargrove, Beeksma, Carlson, Mulliken, Fuhrman, Johnson and Boldt

Read first time 01/09/96. Referred to Committee on Government
Operations.

1 AN ACT Relating to the transfer of the powers, duties, and
2 functions of the office of the commissioner of public lands and the
3 board of natural resources to the land board; amending RCW 43.30.020,
4 43.30.030, 43.30.040, 43.30.150, 43.30.160, 43.30.170, 43.30.180,
5 43.30.210, 79.01.048, 79.01.052, 29.30.020, 29.80.010, 29.80.020,
6 42.17.020, 43.01.010, 43.01.020, 43.03.010, 43.03.011, 43.12.045,
7 43.30.310, 76.04.145, 76.04.630, 76.09.020, 76.09.030, 76.09.050,
8 76.12.050, 76.12.060, 76.12.155, 79.01.007, 79.01.009, 79.01.060,
9 79.01.064, 79.01.068, 79.01.072, 79.01.074, 79.01.076, 79.01.080,
10 79.01.084, 79.01.088, 79.01.092, 79.01.095, 79.01.096, 79.01.104,
11 79.01.108, 79.01.112, 79.01.116, 79.01.120, 79.01.124, 79.01.140,
12 79.01.148, 79.01.152, 79.01.160, 79.01.164, 79.01.168, 79.01.172,
13 79.01.176, 79.01.188, 79.01.192, 79.01.200, 79.01.208, 79.01.216,
14 79.01.220, 79.01.228, 79.01.232, 79.01.236, 79.01.242, 79.01.252,
15 79.01.256, 79.01.260, 79.01.268, 79.01.284, 79.01.296, 79.01.301,
16 79.01.304, 79.01.308, 79.01.332, 79.01.336, 79.01.348, 79.01.352,
17 79.01.356, 79.01.360, 79.01.364, 79.01.388, 79.01.392, 79.01.400,
18 79.01.404, 79.01.408, 79.01.612, 79.01.628, 79.01.644, 79.01.651,
19 79.01.652, 79.01.656, 79.01.660, 79.01.668, 79.01.672, 79.01.676,
20 79.01.680, 79.01.684, 79.01.692, 79.01.704, 79.01.708, 79.01.712,
21 79.01.720, 79.01.732, 79.01.736, 79.01.744, 79.01.778, and 79.01.780;

1 reenacting and amending RCW 79.01.500; adding a new section to chapter
2 43.30 RCW; creating a new section; recodifying RCW 43.12.045; repealing
3 RCW 43.12.010, 43.30.050, 43.30.060, 79.01.056, and 79.01.724; and
4 providing an effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.30 RCW
7 to read as follows:

8 (1) The office of commissioner of public lands and the board of
9 natural resources are hereby abolished and their powers, duties, and
10 functions are hereby transferred to the land board. All references to
11 the supervisor, administrator, commissioner of public lands, or board
12 of natural resources in the Revised Code of Washington shall be
13 construed to mean the director of natural resources or the land board.

14 (2)(a) All reports, documents, surveys, books, records, files,
15 papers, or written material in the possession of the commissioner of
16 public lands or the board of natural resources shall be delivered to
17 the custody of the land board. All cabinets, furniture, office
18 equipment, motor vehicles, and other tangible property employed by the
19 commissioner of public lands or the board of natural resources shall be
20 made available to the land board. All funds, credits, or other assets
21 held by the commissioner of public lands or the board of natural
22 resources shall be assigned to the land board.

23 (b) Any appropriations made to the commissioner of public lands or
24 the board of natural resources shall, on the effective date of this
25 section, be transferred and credited to the land board.

26 (c) If any question arises as to the transfer of any personnel,
27 funds, books, documents, records, papers, files, equipment, or other
28 tangible property used or held in the exercise of the powers and the
29 performance of the duties and functions transferred, the director of
30 financial management shall make a determination as to the proper
31 allocation and certify the same to the state agencies concerned.

32 (3) All employees of the commissioner of public lands or the board
33 of natural resources are transferred to the jurisdiction of the land
34 board. All employees classified under chapter 41.06 RCW, the state
35 civil service law, are assigned to the land board to perform their
36 usual duties upon the same terms as formerly, without any loss of

rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the commissioner of public lands or the board of natural resources shall be continued and acted upon by the land board. All existing contracts and obligations shall remain in full force and shall be performed by the land board.

(5) The transfer of the powers, duties, functions, and personnel of the commissioner of public lands and the board of natural resources shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

Sec. 2. RCW 43.30.020 and 1965 c 8 s 43.30.020 are each amended to read as follows:

For the purpose of this chapter, except where a different interpretation is required by the context:

(1) "Department" means the department of natural resources;

(2) "Board" means the land board (~~((of natural resources))~~);

(3) (~~("Administrator")~~) "Director" means the (~~(administrator)~~) director of the department of natural resources;

(4) (~~("Supervisor" means the supervisor of natural resources;~~

~~+5+))~~ "Agency" and "state agency" means any branch, department, or unit of the state government, however designated or constituted(~~(+~~

~~+6) "Commissioner" means the commissioner of public lands))~~).

Sec. 3. RCW 43.30.030 and 1965 c 8 s 43.30.030 are each amended to read as follows:

1 The department of natural resources is hereby created, to consist
2 of a (~~(board of natural resources, an administrator and a supervisor)~~)
3 land board and a director of the department.

4 **Sec. 4.** RCW 43.30.040 and 1986 c 227 s 1 are each amended to read
5 as follows:

6 The land board shall consist of six members: The governor (~~(or the~~
7 ~~governor's designee)~~), the superintendent of public instruction, (~~(the~~
8 ~~commissioner of public lands, the dean of the college of forest~~
9 ~~resources of the University of Washington, the dean of the college of~~
10 ~~agriculture of Washington State University)~~) the attorney general, the
11 secretary of state, the state treasurer, and a representative of those
12 counties that contain state forest lands acquired or transferred under
13 chapter 76.12 RCW.

14 The county representative shall be selected by the legislative
15 authorities of those counties that contain state forest lands acquired
16 or transferred under chapter 76.12 RCW. In the selection of the county
17 representative, each participating county shall have one vote. The
18 Washington state association of counties shall conduct a meeting for
19 the purpose of making the selection and shall notify the board of the
20 selection. The county representative shall be a duly elected member of
21 a county legislative authority who shall serve a term of four years
22 unless the representative should leave office for any reason. The
23 initial term shall begin on July 1, 1986.

24 The state elected officials may designate other persons to fulfill
25 their responsibilities and duties on the land board; however, each
26 state elected official shall remain ultimately responsible for his or
27 her designee's land board decisions and actions.

28 **Sec. 5.** RCW 43.30.150 and 1988 c 128 s 10 are each amended to read
29 as follows:

30 The land board shall:

31 (1) Perform duties relating to appraisal, appeal, approval and
32 hearing functions as provided by law;

33 (2) Establish policies to insure that the acquisition, management
34 and disposition of all lands and resources within the department's
35 jurisdiction are based on sound principles designed to achieve the
36 maximum effective development and use of such lands and resources
37 consistent with laws applicable thereto;

1 (3) Constitute the board of appraisers provided for in Article 16,
2 section 2 of the state Constitution;

3 (4) Constitute the commission on harbor lines provided for in
4 Article 15, section 1 of the state Constitution as amended;

5 (5) Hold regular monthly meetings at such times as it may
6 determine, and such special meetings as may be called by the chairman
7 or majority of the board membership upon written notice to all members
8 thereof: PROVIDED, That the board may dispense with any regular
9 meetings, except that the board shall not dispense with two consecutive
10 regular meetings;

11 (6) Adopt and enforce such rules and regulations as may be deemed
12 necessary and proper for carrying out the powers, duties and functions
13 imposed upon it by this chapter;

14 (7) Select a director for the department of natural resources,
15 subject to confirmation by the senate, who shall serve at the pleasure
16 of the board;

17 (8) Employ and fix the compensation of such technical, clerical and
18 other personnel as may be deemed necessary for the performance of its
19 duties;

20 ((+8)) (9) Appoint such advisory committees as it may deem
21 appropriate to advise and assist it to more effectively discharge its
22 responsibilities. The members of such committees shall receive no
23 compensation, but shall be entitled to reimbursement for travel
24 expenses in attending committee meetings in accordance with RCW
25 43.03.050 and 43.03.060 as now existing or hereafter amended;

26 ((+9)) (10) Meet and organize within thirty days after ((March 6,
27 1957)) July 1, 1997, and on the third Monday of each January following
28 a state general election at which the elected ex officio members of the
29 board are elected. The board shall select its own chairman. ((The
30 commissioner of public lands shall be the secretary of the board.))
31 The board may select a vice chairman from among its members. In the
32 absence of the chairman and vice chairman at a meeting of the board,
33 the members shall elect a chairman pro tem. No action shall be taken
34 by the board except by the agreement of at least four members. The
35 department and the board shall maintain its principal office at the
36 capital;

37 ((+10)) (11) Be entitled to reimbursement individually for travel
38 expenses incurred in the discharge of their official duties in

1 accordance with RCW 43.03.050 and 43.03.060 as now existing or
2 hereafter amended.

3 **Sec. 6.** RCW 43.30.160 and 1965 c 8 s 43.30.160 are each amended to
4 read as follows:

5 The land board shall appoint a director of the department of
6 natural resources, subject to the director's confirmation by the
7 senate. The director shall be appointed for a two-year term and shall
8 serve at the pleasure of the board within that two-year term. A
9 director may hold successive terms, subject to reconfirmation by the
10 senate every two years.

11 The ((~~administrator~~)) director shall have responsibility for
12 performance of all the powers, duties and functions of the department
13 ((~~except those specifically~~)) assigned to the director by the land
14 board. In the performance of his or her powers, duties and functions,
15 the ((~~administrator~~)) director shall conform to policies established by
16 the board((~~, and may employ and fix the compensation of such personnel~~
17 ~~as may be required to perform the duties of his office~~)). The land
18 board may delegate to the director such powers and duties of the land
19 board as it deems proper.

20 **Sec. 7.** RCW 43.30.170 and 1965 c 8 s 43.30.170 are each amended to
21 read as follows:

22 ((~~The supervisor~~)) In addition to other duties assigned by the land
23 board, the director shall:

24 (1) Be charged with the direct supervision of the department's
25 activities as delegated ((~~to him~~)) by the ((~~administrator~~)) land board;

26 (2) Perform his or her duties in conformance with the policies
27 established by the board;

28 (3) Organize the department, with approval of the ((~~administrator~~))
29 land board, into such subordinate divisions as ((~~he~~)) the director may
30 deem appropriate for the conduct of its operations;

31 (4) Employ and fix the compensation of such technical, clerical and
32 other personnel as may be required to carry on activities under ((~~his~~))
33 the director's supervision;

34 (5) Delegate by order any of his or her powers, duties and
35 functions to one or more deputies or assistants as ((~~he~~)) the director
36 may desire;

1 (6) Furnish before entering upon his or her duties a surety bond
2 payable to the state in such amount as may be determined by the land
3 board, conditioned for the faithful performance of ~~((his))~~ duties and
4 for ~~((his))~~ accounting of all moneys and property of the state that may
5 come into ~~((his))~~ the director's possession or ~~((under his))~~ control by
6 virtue of ~~((his))~~ the office.

7 **Sec. 8.** RCW 43.30.180 and 1965 c 8 s 43.30.180 are each amended to
8 read as follows:

9 The ~~((supervisor and his))~~ land board, the director, and any duly
10 authorized deputies may administer oaths.

11 **Sec. 9.** RCW 43.30.210 and 1965 c 8 s 43.30.210 are each amended to
12 read as follows:

13 When any officer, member, or employee of an agency abolished by
14 provisions of this chapter is, under provisions of existing law,
15 designated as a member ex officio of another board, commission,
16 committee, or other agency, and no provision is made in this chapter
17 with respect to a substitute, the ~~((administrator))~~ land board shall
18 designate the officer or other person to serve hereafter in that
19 capacity.

20 **Sec. 10.** RCW 79.01.048 and 1988 c 128 s 50 are each amended to
21 read as follows:

22 The land board ~~((of natural resources))~~ shall constitute the board
23 of appraisers provided for in section 2 of Article XVI of the state
24 Constitution, to, before the sale of any lands granted to the state for
25 educational purposes, appraise the value of such lands less the
26 improvements thereon.

27 **Sec. 11.** RCW 79.01.052 and 1988 c 128 s 51 are each amended to
28 read as follows:

29 The land board ~~((of natural resources shall keep its records in the~~
30 ~~office of the commissioner of public lands, and))~~ shall keep a full and
31 complete record of its proceedings relating to the appraisal of lands
32 granted for educational purposes, and the board shall have the power,
33 from time to time, to make and enforce rules and regulations for the
34 carrying out of the provisions of this chapter relating to its duties
35 not inconsistent with law.

1 **Sec. 12.** RCW 29.30.020 and 1990 c 59 s 11 are each amended to read
2 as follows:

3 The positions or offices on a primary ballot shall be arranged in
4 substantially the following order: United States senator; United
5 States representative; governor; lieutenant governor; secretary of
6 state; state treasurer; state auditor; attorney general; (~~commissioner~~
7 ~~of public lands;~~) superintendent of public instruction; insurance
8 commissioner; state senator; state representative; county officers;
9 justices of the supreme court; judges of the court of appeals; judges
10 of the superior court; and judges of the district court. For all other
11 jurisdictions on the primary ballot, the offices in each jurisdiction
12 shall be grouped together and be in the order of the position numbers
13 assigned to those offices, if any.

14 The order of the positions or offices on an election ballot shall
15 be substantially the same as on a primary ballot except that the
16 offices of president and vice-president of the United States shall
17 precede all other offices on a presidential election ballot. State
18 ballot issues shall be placed before all offices on an election ballot.
19 The positions on a ballot to be assigned to ballot measures regarding
20 local units of government shall be established by the secretary of
21 state by rule.

22 The political party or independent candidacy of each candidate for
23 partisan office shall be indicated next to the name of the candidate on
24 the primary and election ballot.

25 **Sec. 13.** RCW 29.80.010 and 1987 c 295 s 17 are each amended to
26 read as follows:

27 As soon as possible before each state general election at which
28 federal or state officials are to be elected, the secretary of state
29 shall publish and mail to each individual place of residence of the
30 state a candidates' pamphlet containing photographs and campaign
31 statements of eligible nominees who desire to participate therein,
32 together with a campaign mailing address and telephone number submitted
33 by the nominee at the nominee's option, and in even-numbered years
34 containing a description of the office of precinct committee officer
35 and its duties, in order that voters will understand that the office is
36 a state office and will be found on the ballot of the forthcoming
37 general election. In odd-numbered years no candidates' pamphlet may be
38 published unless an election is to be held to fill a vacancy in one or

1 more of the following state-wide elective offices: United States
2 senator, governor, lieutenant governor, secretary of state, state
3 treasurer, state auditor, attorney general, superintendent of public
4 instruction, (~~commissioner of public lands,~~) insurance commissioner,
5 or justice of the supreme court.

6 **Sec. 14.** RCW 29.80.020 and 1984 c 54 s 2 are each amended to read
7 as follows:

8 At a time to be determined by the secretary of state, but in any
9 event not later than forty-five days before the applicable state
10 general election, each nominee for the office of United States senator,
11 United States representative, governor, lieutenant governor, secretary
12 of state, state treasurer, state auditor, attorney general,
13 superintendent of public instruction, (~~commissioner of public lands,~~)
14 insurance commissioner, state senator, state representative, justice of
15 the supreme court, judge of the court of appeals, or judge of the
16 superior court may file with the secretary of state a written statement
17 advocating his or her candidacy accompanied by the campaign mailing
18 address and telephone number submitted by the nominee at the nominee's
19 option, and a photograph not more than five years old and of a size and
20 quality that the secretary of state determines to be suitable for
21 reproduction in the voters' pamphlet. The maximum number of words for
22 the statements shall be determined according to the offices sought as
23 follows: State representative, one hundred words; state senator, judge
24 of the superior court, judge of the court of appeals, justice of the
25 supreme court, and all state offices voted upon throughout the state,
26 except that of governor, two hundred words; United States senator,
27 United States representative, and governor, three hundred words. No
28 such statement or photograph may be printed in the candidates' pamphlet
29 for any person who is the sole nominee for any nonpartisan or judicial
30 office.

31 **Sec. 15.** RCW 42.17.020 and 1995 c 397 s 1 are each amended to read
32 as follows:

33 (1) "Agency" includes all state agencies and all local agencies.
34 "State agency" includes every state office, department, division,
35 bureau, board, commission, or other state agency. "Local agency"
36 includes every county, city, town, municipal corporation, quasi-
37 municipal corporation, or special purpose district, or any office,

1 department, division, bureau, board, commission, or agency thereof, or
2 other local public agency.

3 (2) "Authorized committee" means the political committee authorized
4 by a candidate, or by the public official against whom recall charges
5 have been filed, to accept contributions or make expenditures on behalf
6 of the candidate or public official.

7 (3) "Ballot proposition" means any "measure" as defined by RCW
8 29.01.110, or any initiative, recall, or referendum proposition
9 proposed to be submitted to the voters of the state or any municipal
10 corporation, political subdivision, or other voting constituency from
11 and after the time when the proposition has been initially filed with
12 the appropriate election officer of that constituency prior to its
13 circulation for signatures.

14 (4) "Benefit" means a commercial, proprietary, financial, economic,
15 or monetary advantage, or the avoidance of a commercial, proprietary,
16 financial, economic, or monetary disadvantage.

17 (5) "Bona fide political party" means:

18 (a) An organization that has filed a valid certificate of
19 nomination with the secretary of state under chapter 29.24 RCW;

20 (b) The governing body of the state organization of a major
21 political party, as defined in RCW 29.01.090, that is the body
22 authorized by the charter or bylaws of the party to exercise authority
23 on behalf of the state party; or

24 (c) The county central committee or legislative district committee
25 of a major political party. There may be only one legislative district
26 committee for each party in each legislative district.

27 (6) "Depository" means a bank designated by a candidate or
28 political committee pursuant to RCW 42.17.050.

29 (7) "Treasurer" and "deputy treasurer" mean the individuals
30 appointed by a candidate or political committee, pursuant to RCW
31 42.17.050, to perform the duties specified in that section.

32 (8) "Candidate" means any individual who seeks nomination for
33 election or election to public office. An individual seeks nomination
34 or election when he or she first:

35 (a) Receives contributions or makes expenditures or reserves space
36 or facilities with intent to promote his or her candidacy for office;

37 (b) Announces publicly or files for office;

38 (c) Purchases commercial advertising space or broadcast time to
39 promote his or her candidacy; or

1 (d) Gives his or her consent to another person to take on behalf of
2 the individual any of the actions in (a) or (c) of this subsection.

3 (9) "Caucus political committee" means a political committee
4 organized and maintained by the members of a major political party in
5 the state senate or state house of representatives.

6 (10) "Commercial advertiser" means any person who sells the service
7 of communicating messages or producing printed material for broadcast
8 or distribution to the general public or segments of the general public
9 whether through the use of newspapers, magazines, television and radio
10 stations, billboard companies, direct mail advertising companies,
11 printing companies, or otherwise.

12 (11) "Commission" means the agency established under RCW 42.17.350.

13 (12) "Compensation" unless the context requires a narrower meaning,
14 includes payment in any form for real or personal property or services
15 of any kind: PROVIDED, That for the purpose of compliance with RCW
16 42.17.241, the term "compensation" shall not include per diem
17 allowances or other payments made by a governmental entity to reimburse
18 a public official for expenses incurred while the official is engaged
19 in the official business of the governmental entity.

20 (13) "Continuing political committee" means a political committee
21 that is an organization of continuing existence not established in
22 anticipation of any particular election campaign.

23 (14)(a) "Contribution" includes:

24 (i) A loan, gift, deposit, subscription, forgiveness of
25 indebtedness, donation, advance, pledge, payment, transfer of funds
26 between political committees, or anything of value, including personal
27 and professional services for less than full consideration;

28 (ii) An expenditure made by a person in cooperation, consultation,
29 or concert with, or at the request or suggestion of, a candidate, a
30 political committee, or their agents;

31 (iii) The financing by a person of the dissemination, distribution,
32 or republication, in whole or in part, of broadcast, written, graphic,
33 or other form of political advertising prepared by a candidate, a
34 political committee, or its authorized agent;

35 (iv) Sums paid for tickets to fund-raising events such as dinners
36 and parties, except for the actual cost of the consumables furnished at
37 the event.

38 (b) "Contribution" does not include:

1 (i) Standard interest on money deposited in a political committee's
2 account;

3 (ii) Ordinary home hospitality;

4 (iii) A contribution received by a candidate or political committee
5 that is returned to the contributor within five business days of the
6 date on which it is received by the candidate or political committee;

7 (iv) A news item, feature, commentary, or editorial in a regularly
8 scheduled news medium that is of primary interest to the general
9 public, that is in a news medium controlled by a person whose business
10 is that news medium, and that is not controlled by a candidate or a
11 political committee;

12 (v) An internal political communication primarily limited to the
13 members of or contributors to a political party organization or
14 political committee, or to the officers, management staff, or
15 stockholders of a corporation or similar enterprise, or to the members
16 of a labor organization or other membership organization;

17 (vi) The rendering of personal services of the sort commonly
18 performed by volunteer campaign workers, or incidental expenses
19 personally incurred by volunteer campaign workers not in excess of
20 fifty dollars personally paid for by the worker. "Volunteer services,"
21 for the purposes of this section, means services or labor for which the
22 individual is not compensated by any person;

23 (vii) Messages in the form of reader boards, banners, or yard or
24 window signs displayed on a person's own property or property occupied
25 by a person. However, a facility used for such political advertising
26 for which a rental charge is normally made must be reported as an in-
27 kind contribution and counts towards any applicable contribution limit
28 of the person providing the facility;

29 (viii) Legal or accounting services rendered to or on behalf of:

30 (A) A political party or caucus political committee if the person
31 paying for the services is the regular employer of the person rendering
32 such services; or

33 (B) A candidate or an authorized committee if the person paying for
34 the services is the regular employer of the individual rendering the
35 services and if the services are solely for the purpose of ensuring
36 compliance with state election or public disclosure laws.

37 (c) Contributions other than money or its equivalent are deemed to
38 have a monetary value equivalent to the fair market value of the
39 contribution. Services or property or rights furnished at less than

1 their fair market value for the purpose of assisting any candidate or
2 political committee are deemed a contribution. Such a contribution
3 must be reported as an in-kind contribution at its fair market value
4 and counts towards any applicable contribution limit of the provider.

5 (15) "Elected official" means any person elected at a general or
6 special election to any public office, and any person appointed to fill
7 a vacancy in any such office.

8 (16) "Election" includes any primary, general, or special election
9 for public office and any election in which a ballot proposition is
10 submitted to the voters: PROVIDED, That an election in which the
11 qualifications for voting include other than those requirements set
12 forth in Article VI, section 1 (Amendment 63) of the Constitution of
13 the state of Washington shall not be considered an election for
14 purposes of this chapter.

15 (17) "Election campaign" means any campaign in support of or in
16 opposition to a candidate for election to public office and any
17 campaign in support of, or in opposition to, a ballot proposition.

18 (18) "Election cycle" means the period beginning on the first day
19 of December after the date of the last previous general election for
20 the office that the candidate seeks and ending on November 30th after
21 the next election for the office. In the case of a special election to
22 fill a vacancy in an office, "election cycle" means the period
23 beginning on the day the vacancy occurs and ending on November 30th
24 after the special election.

25 (19) "Expenditure" includes a payment, contribution, subscription,
26 distribution, loan, advance, deposit, or gift of money or anything of
27 value, and includes a contract, promise, or agreement, whether or not
28 legally enforceable, to make an expenditure. The term "expenditure"
29 also includes a promise to pay, a payment, or a transfer of anything of
30 value in exchange for goods, services, property, facilities, or
31 anything of value for the purpose of assisting, benefiting, or honoring
32 any public official or candidate, or assisting in furthering or
33 opposing any election campaign. For the purposes of this chapter,
34 agreements to make expenditures, contracts, and promises to pay may be
35 reported as estimated obligations until actual payment is made. The
36 term "expenditure" shall not include the partial or complete repayment
37 by a candidate or political committee of the principal of a loan, the
38 receipt of which loan has been properly reported.

1 (20) "Final report" means the report described as a final report in
2 RCW 42.17.080(2).

3 (21) "General election" means the election that results in the
4 election of a person to a state office. It does not include a primary.

5 (22) "Gift," is as defined in RCW 42.52.010.

6 (23) "Immediate family" includes the spouse, dependent children,
7 and other dependent relatives, if living in the household. For the
8 purposes of RCW 42.17.640 through 42.17.790, "immediate family" means
9 an individual's spouse, and child, stepchild, grandchild, parent,
10 stepparent, grandparent, brother, half brother, sister, or half sister
11 of the individual and the spouse of any such person and a child,
12 stepchild, grandchild, parent, stepparent, grandparent, brother, half
13 brother, sister, or half sister of the individual's spouse and the
14 spouse of any such person.

15 (24) "Independent expenditure" means an expenditure that has each
16 of the following elements:

17 (a) It is made in support of or in opposition to a candidate for
18 office by a person who is not (i) a candidate for that office, (ii) an
19 authorized committee of that candidate for that office, (iii) a person
20 who has received the candidate's encouragement or approval to make the
21 expenditure, if the expenditure pays in whole or in part for political
22 advertising supporting that candidate or promoting the defeat of any
23 other candidate or candidates for that office, or (iv) a person with
24 whom the candidate has collaborated for the purpose of making the
25 expenditure, if the expenditure pays in whole or in part for political
26 advertising supporting that candidate or promoting the defeat of any
27 other candidate or candidates for that office;

28 (b) The expenditure pays in whole or in part for political
29 advertising that either specifically names the candidate supported or
30 opposed, or clearly and beyond any doubt identifies the candidate
31 without using the candidate's name; and

32 (c) The expenditure, alone or in conjunction with another
33 expenditure or other expenditures of the same person in support of or
34 opposition to that candidate, has a value of five hundred dollars or
35 more. A series of expenditures, each of which is under five hundred
36 dollars, constitutes one independent expenditure if their cumulative
37 value is five hundred dollars or more.

38 (25)(a) "Intermediary" means an individual who transmits a
39 contribution to a candidate or committee from another person unless the

1 contribution is from the individual's employer, immediate family as
2 defined for purposes of RCW 42.17.640 through 42.17.790, or an
3 association to which the individual belongs.

4 (b) A treasurer or a candidate is not an intermediary for purposes
5 of the committee that the treasurer or candidate serves.

6 (c) A professional fund-raiser is not an intermediary if the fund-
7 raiser is compensated for fund-raising services at the usual and
8 customary rate.

9 (d) A volunteer hosting a fund-raising event at the individual's
10 home is not an intermediary for purposes of that event.

11 (26) "Legislation" means bills, resolutions, motions, amendments,
12 nominations, and other matters pending or proposed in either house of
13 the state legislature, and includes any other matter that may be the
14 subject of action by either house or any committee of the legislature
15 and all bills and resolutions that, having passed both houses, are
16 pending approval by the governor.

17 (27) "Lobby" and "lobbying" each mean attempting to influence the
18 passage or defeat of any legislation by the legislature of the state of
19 Washington, or the adoption or rejection of any rule, standard, rate,
20 or other legislative enactment of any state agency under the state
21 Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor
22 "lobbying" includes an association's or other organization's act of
23 communicating with the members of that association or organization.

24 (28) "Lobbyist" includes any person who lobbies either in his or
25 her own or another's behalf.

26 (29) "Lobbyist's employer" means the person or persons by whom a
27 lobbyist is employed and all persons by whom he or she is compensated
28 for acting as a lobbyist.

29 (30) "Person" includes an individual, partnership, joint venture,
30 public or private corporation, association, federal, state, or local
31 governmental entity or agency however constituted, candidate,
32 committee, political committee, political party, executive committee
33 thereof, or any other organization or group of persons, however
34 organized.

35 (31) "Person in interest" means the person who is the subject of a
36 record or any representative designated by that person, except that if
37 that person is under a legal disability, the term "person in interest"
38 means and includes the parent or duly appointed legal representative.

1 (32) "Political advertising" includes any advertising displays,
2 newspaper ads, billboards, signs, brochures, articles, tabloids,
3 flyers, letters, radio or television presentations, or other means of
4 mass communication, used for the purpose of appealing, directly or
5 indirectly, for votes or for financial or other support in any election
6 campaign.

7 (33) "Political committee" means any person (except a candidate or
8 an individual dealing with his or her own funds or property) having the
9 expectation of receiving contributions or making expenditures in
10 support of, or opposition to, any candidate or any ballot proposition.

11 (34) "Primary" means the procedure for nominating a candidate to
12 state office under chapter 29.18 or 29.21 RCW or any other primary for
13 an election that uses, in large measure, the procedures established in
14 chapter 29.18 or 29.21 RCW.

15 (35) "Public office" means any federal, state, county, city, town,
16 school district, port district, special district, or other state
17 political subdivision elective office.

18 (36) "Public record" includes any writing containing information
19 relating to the conduct of government or the performance of any
20 governmental or proprietary function prepared, owned, used, or retained
21 by any state or local agency regardless of physical form or
22 characteristics. For the office of the secretary of the senate and the
23 office of the chief clerk of the house of representatives, public
24 records means legislative records as defined in RCW 40.14.100 and also
25 means the following: All budget and financial records; personnel
26 leave, travel, and payroll records; records of legislative sessions;
27 reports submitted to the legislature; and any other record designated
28 a public record by any official action of the senate or the house of
29 representatives.

30 (37) "Recall campaign" means the period of time beginning on the
31 date of the filing of recall charges under RCW 29.82.015 and ending
32 thirty days after the recall election.

33 (38) "State legislative office" means the office of a member of the
34 state house of representatives or the office of a member of the state
35 senate.

36 (39) "State office" means state legislative office or the office of
37 governor, lieutenant governor, secretary of state, attorney general,
38 (~~commissioner of public lands,~~) insurance commissioner,

1 superintendent of public instruction, state auditor, or state
2 treasurer.

3 (40) "State official" means a person who holds a state office.

4 (41) "Surplus funds" mean, in the case of a political committee or
5 candidate, the balance of contributions that remain in the possession
6 or control of that committee or candidate subsequent to the election
7 for which the contributions were received, and that are in excess of
8 the amount necessary to pay remaining debts incurred by the committee
9 or candidate prior to that election. In the case of a continuing
10 political committee, "surplus funds" mean those contributions remaining
11 in the possession or control of the committee that are in excess of the
12 amount necessary to pay all remaining debts when it makes its final
13 report under RCW 42.17.065.

14 (42) "Writing" means handwriting, typewriting, printing,
15 photostating, photographing, and every other means of recording any
16 form of communication or representation, including, but not limited to,
17 letters, words, pictures, sounds, or symbols, or combination thereof,
18 and all papers, maps, magnetic or paper tapes, photographic films and
19 prints, motion picture, film and video recordings, magnetic or punched
20 cards, discs, drums, diskettes, sound recordings, and other documents
21 including existing data compilations from which information may be
22 obtained or translated.

23 As used in this chapter, the singular shall take the plural and any
24 gender, the other, as the context requires.

25 **Sec. 16.** RCW 43.01.010 and 1965 c 8 s 43.01.010 are each amended
26 to read as follows:

27 The governor, lieutenant governor, secretary of state, treasurer,
28 auditor, attorney general, superintendent of public instruction,
29 (~~commissioner of public lands,~~) and insurance commissioner, shall
30 hold office for the term of four years, and until their successors are
31 elected and qualified; and the term shall commence on the Wednesday
32 after the second Monday of January following their election.

33 **Sec. 17.** RCW 43.01.020 and 1965 c 8 s 43.01.020 are each amended
34 to read as follows:

35 The governor, lieutenant governor, secretary of state, treasurer,
36 auditor, attorney general, superintendent of public instruction,
37 (~~commissioner of public lands,~~) and insurance commissioner, shall,

1 before entering upon the duties of their respective offices, take and
2 subscribe an oath or affirmation in substance as follows: I do
3 solemnly swear (or affirm) that I will support the Constitution of the
4 United States and the Constitution and laws of the state of Washington,
5 and that I will faithfully discharge the duties of the office of (name
6 of office) to the best of my ability.

7 The oath or affirmation shall be administered by one of the
8 justices of the supreme court at the capitol. A certificate shall be
9 affixed thereto by the person administering the oath, and the oath or
10 affirmation so certified shall be filed in the office of the secretary
11 of state before the officer shall be qualified to discharge any
12 official duties: PROVIDED, That the oath of the secretary of state
13 shall be filed in the office of the state auditor.

14 **Sec. 18.** RCW 43.03.010 and 1989 c 10 s 8 are each amended to read
15 as follows:

16 The annual salaries of the following named state elected officials
17 shall be prescribed by the Washington citizens' commission on salaries
18 for elected officials: Governor; lieutenant governor: PROVIDED, That
19 in arriving at the annual salary of the lieutenant governor the
20 commission shall prescribe a fixed amount plus a sum equal to 1/260th
21 of the difference between the annual salary of the lieutenant governor
22 and the annual salary of the governor for each day that the lieutenant
23 governor is called upon to perform the duties of the governor by reason
24 of the absence from the state, removal, resignation, death, or
25 disability of the governor; secretary of state; state treasurer; state
26 auditor; attorney general; superintendent of public instruction;
27 (~~commissioner of public lands;~~) and state insurance commissioner.
28 Members of the legislature shall receive for their service per annum
29 the amount prescribed by the Washington citizens' commission on
30 salaries for elected officials; and in addition, reimbursement for
31 mileage for travel to and from legislative sessions as provided in RCW
32 43.03.060.

33 **Sec. 19.** RCW 43.03.011 and 1995 2nd sp.s. c 1 s 1 are each amended
34 to read as follows:

35 Pursuant to Article XXVIII, section 1 of the state Constitution and
36 RCW 43.03.010 and 43.03.310, the annual salaries of the state elected
37 officials of the executive branch shall be as follows:

(1) Effective September 1, 1993:

| | |
|---|----------------------|
| (a) Governor | \$ 121,000 |
| (b) Lieutenant governor | \$ 62,700 |
| (c) Secretary of state | \$ 64,300 |
| (d) Treasurer | \$ 79,500 |
| (e) Auditor | \$ 84,100 |
| (f) Attorney general | \$ 92,000 |
| (g) Superintendent of public instruction | \$ 86,600 |
| (h) (Commissioner of public lands | \$ 86,600 |
| (i)) Insurance commissioner | \$ 77,200 |

(2) Effective September 1, 1995:

| | |
|---|----------------------|
| (a) Governor | \$ 121,000 |
| (b) Lieutenant governor | \$ 62,700 |
| (c) Secretary of state | \$ 64,300 |
| (d) Treasurer | \$ 84,100 |
| (e) Auditor | \$ 84,100 |
| (f) Attorney general | \$ 92,000 |
| (g) Superintendent of public instruction | \$ 86,600 |
| (h) (Commissioner of public lands | \$ 86,600 |
| (i)) Insurance commissioner | \$ 77,200 |

(3) The lieutenant governor shall receive the fixed amount of his or her salary plus 1/260th of the difference between his or her salary and that of the governor for each day that the lieutenant governor is called upon to perform the duties of the governor by reason of the absence from the state, removal, resignation, death, or disability of the governor.

Sec. 20. RCW 43.12.045 and 1995 c 403 s 101 are each amended to read as follows:

For rules adopted after July 23, 1995, the (~~commissioner of public lands~~) land board may not rely solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule.

Sec. 21. RCW 43.30.310 and 1987 c 380 s 14 are each amended to read as follows:

For the promotion of the public safety and the protection of public property, the department of natural resources may, in accordance with

chapter 34.05 RCW, issue, promulgate, adopt, and enforce rules pertaining to use by the public of state-owned lands and property which are administered by the department.

A violation of any rule adopted under this section shall constitute a misdemeanor unless the department specifies by rule, when not inconsistent with applicable statutes, that violation of the rule is an infraction under chapter 7.84 RCW: PROVIDED, That violation of a rule relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a rule equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor.

The (~~commissioner of public lands~~) director of the department of natural resources and such (~~of his~~) department employees as (~~he~~) the director may designate shall be vested with police powers when enforcing:

- (1) The rules of the department adopted under this section; or
- (2) The general criminal statutes or ordinances of the state or its political subdivisions where enforcement is necessary for the protection of state-owned lands and property.

Sec. 22. RCW 76.04.145 and 1986 c 100 s 15 are each amended to read as follows:

(1) There is hereby created a forest fire advisory board, consisting of seven members who shall represent private and public forest landowners and other interested segments of the public. The members shall be appointed by the (~~commissioner of public lands~~) land board and shall serve at the (~~commissioner's~~) land board's pleasure, without compensation.

(2) The duties of the forest fire advisory board shall be strictly advisory and shall include, but not necessarily be limited to:

(a) Reviewing forest fire prevention and suppression policies of the department;

(b) Monitoring expenditures from and recoveries for the landowner contingency forest fire suppression account;

(c) Recommending appropriate assessments and allocations for establishment and replenishment of the account based upon the proportionate expenditures necessitated by participating landowner operations in western and eastern Washington;

1 (d) Recommending to the department appropriate rules or amendments
2 to existing rules and reviewing nonemergency rules affecting the
3 protection of forest lands from fire, including reasonable alternative
4 means or procedures for the abatement, isolation, or reduction of
5 forest fire hazards.

6 (3) Except where an emergency exists, all rules concerning matters
7 listed in subsection (2)(d) of this section shall be adopted by the
8 department after consultation with the forest fire advisory board.

9 **Sec. 23.** RCW 76.04.630 and 1993 c 36 s 2 are each amended to read
10 as follows:

11 There is created a landowner contingency forest fire suppression
12 account in the state treasury. Moneys in the account may be spent only
13 as provided in this section. Disbursements from the account shall be
14 on authorization of the ((~~commissioner of public lands~~)) land board or
15 the ((~~commissioner's~~)) board's designee. The account is subject to the
16 allotment procedure provided under chapter 43.88 RCW, but no
17 appropriation is required for disbursements.

18 The department may expend from this account the amounts as may be
19 available and as it considers appropriate for the payment of emergency
20 fire costs resulting from a participating landowner fire. The
21 department may, when moneys are available from the landowner
22 contingency forest fire suppression account, expend moneys for
23 summarily abating, isolating, or reducing an extreme fire hazard under
24 RCW 76.04.660. All moneys recovered as a result of the department's
25 actions, from the owner or person responsible, under RCW 76.04.660
26 shall be deposited in the landowner contingency forest fire suppression
27 account.

28 When a determination is made that the fire was started by other
29 than a landowner operation, moneys expended from this account in the
30 suppression of such fire shall be recovered from the general fund
31 appropriations as may be available for emergency fire suppression
32 costs. The department shall deposit in the landowner contingency
33 forest fire suppression account moneys paid out of the account which
34 are later recovered, less reasonable costs of recovery.

35 This account shall be established and renewed by an annual special
36 forest fire suppression account assessment paid by participating
37 landowners at a rate to be established by the department. In
38 establishing assessments, the department shall seek to establish and

1 thereafter reestablish a balance in the account of three million
2 dollars. The department may establish a flat fee assessment of no more
3 than seven dollars and fifty cents for participating landowners owning
4 parcels of fifty acres or less. For participating landowners owning
5 parcels larger than fifty acres, the department may charge the flat fee
6 assessment plus a per acre assessment for every acre over fifty acres.
7 The per acre assessment established by the department may not exceed
8 fifteen cents per acre per year. The assessments may differ to
9 equitably distribute the assessment based on emergency fire suppression
10 cost experience necessitated by landowner operations. Amounts assessed
11 for this account shall be a lien upon the forest lands with respect to
12 which the assessment is made and may be collected as directed by the
13 department in the same manner as forest protection assessments.
14 Payment of emergency costs from this account shall in no way restrict
15 the right of the department to recover costs pursuant to RCW 76.04.495
16 or other laws.

17 When the department determines that a forest fire was started in
18 the course of or as a result of a landowner operation, it shall notify
19 the forest fire advisory board of the determination. The determination
20 shall be final, unless, within ninety days of the notification, the
21 forest fire advisory board or an interested party serves a request for
22 a hearing before the department. The hearing shall constitute an
23 adjudicative proceeding under chapter 34.05 RCW, the administrative
24 procedure act, and an appeal shall be in accordance with RCW 34.05.510
25 through 34.05.598.

26 **Sec. 24.** RCW 76.09.020 and 1974 ex.s. c 137 s 2 are each amended
27 to read as follows:

28 For purposes of this chapter:

29 (1) "Appeals board" shall mean the forest practices appeals board
30 created by RCW 76.09.210.

31 (2) (~~("Commissioner")~~) "Director" shall mean the (~~(commissioner of~~
32 ~~public lands)~~) director of the department of natural resources.

33 (3) "Contiguous" shall mean land adjoining or touching by common
34 corner or otherwise. Land having common ownership divided by a road or
35 other right of way shall be considered contiguous.

36 (4) "Conversion to a use other than commercial timber operation"
37 shall mean a bona fide conversion to an active use which is

1 incompatible with timber growing and as may be defined by forest
2 practices regulations.

3 (5) "Department" shall mean the department of natural resources.

4 (6) "Forest land" shall mean all land which is capable of
5 supporting a merchantable stand of timber and is not being actively
6 used for a use which is incompatible with timber growing.

7 (7) "Forest land owner" shall mean any person in actual control of
8 forest land, whether such control is based either on legal or equitable
9 title, or on any other interest entitling the holder to sell or
10 otherwise dispose of any or all of the timber on such land in any
11 manner: PROVIDED, That any lessee or other person in possession of
12 forest land without legal or equitable title to such land shall be
13 excluded from the definition of "forest land owner" unless such lessee
14 or other person has the right to sell or otherwise dispose of any or
15 all of the timber located on such forest land.

16 (8) "Forest practice" shall mean any activity conducted on or
17 directly pertaining to forest land and relating to growing, harvesting,
18 or processing timber, including but not limited to:

19 (a) Road and trail construction;

20 (b) Harvesting, final and intermediate;

21 (c) Precommercial thinning;

22 (d) Reforestation;

23 (e) Fertilization;

24 (f) Prevention and suppression of diseases and insects;

25 (g) Salvage of trees; and

26 (h) Brush control.

27 "Forest practice" shall not include preparatory work such as tree
28 marking, surveying and road flagging, and removal or harvesting of
29 incidental vegetation from forest lands such as berries, ferns,
30 greenery, mistletoe, herbs, mushrooms, and other products which cannot
31 normally be expected to result in damage to forest soils, timber, or
32 public resources.

33 (9) "Forest practices regulations" shall mean any rules promulgated
34 pursuant to RCW 76.09.040.

35 (10) "Application" shall mean the application required pursuant to
36 RCW 76.09.050.

37 (11) "Operator" shall mean any person engaging in forest practices
38 except an employee with wages as his or her sole compensation.

1 (12) "Person" shall mean any individual, partnership, private,
2 public, or municipal corporation, county, the department or other state
3 or local governmental entity, or association of individuals of whatever
4 nature.

5 (13) "Public resources" shall mean water, fish and wildlife, and in
6 addition shall mean capital improvements of the state or its political
7 subdivisions.

8 (14) "Timber" shall mean forest trees, standing or down, of a
9 commercial species, including Christmas trees.

10 (15) "Timber owner" shall mean any person having all or any part of
11 the legal interest in timber. Where such timber is subject to a
12 contract of sale, "timber owner" shall mean the contract purchaser.

13 (16) "Board" shall mean the forest practices board created in RCW
14 76.09.030.

15 **Sec. 25.** RCW 76.09.030 and 1995 c 399 s 207 are each amended to
16 read as follows:

17 (1) There is hereby created the forest practices board of the state
18 of Washington as an agency of state government consisting of members as
19 follows:

20 (a) The ~~((commissioner of public lands or the commissioner's))~~
21 director or the director's designee;

22 (b) The director of the department of community, trade, and
23 economic development or the director's designee;

24 (c) The director of the department of agriculture or the director's
25 designee;

26 (d) The director of the department of ecology or the director's
27 designee;

28 (e) An elected member of a county legislative authority appointed
29 by the governor: PROVIDED, That such member's service on the board
30 shall be conditioned on the member's continued service as an elected
31 county official; and

32 (f) Six members of the general public appointed by the governor,
33 one of whom shall be an owner of not more than five hundred acres of
34 forest land, and one of whom shall be an independent logging
35 contractor.

36 (2) The members of the initial board appointed by the governor
37 shall be appointed so that the term of one member shall expire December
38 31, 1975, the term of one member shall expire December 31, 1976, the

1 term of one member shall expire December 31, 1977, the terms of two
2 members shall expire December 31, 1978, and the terms of two members
3 shall expire December 31, 1979. Thereafter, each member shall be
4 appointed for a term of four years. Vacancies on the board shall be
5 filled in the same manner as the original appointments. Each member of
6 the board shall continue in office until his or her successor is
7 appointed and qualified. (~~(The commissioner of public lands or the~~
8 ~~commissioner's designee shall be the chairman of the board.)~~) The board
9 shall elect a chair.

10 (3) The board shall meet at such times and places as shall be
11 designated by the (~~(chairman)~~) chair or upon the written request of the
12 majority of the board. The principal office of the board shall be at
13 the state capital.

14 (4) Members of the board, except public employees and elected
15 officials, shall be compensated in accordance with RCW 43.03.250. Each
16 member shall be entitled to reimbursement for travel expenses incurred
17 in the performance of their duties as provided in RCW 43.03.050 and
18 43.03.060.

19 (5) The board may employ such clerical help and staff pursuant to
20 chapter 41.06 RCW as is necessary to carry out its duties.

21 **Sec. 26.** RCW 76.09.050 and 1994 c 264 s 49 are each amended to
22 read as follows:

23 (1) The board shall establish by rule which forest practices shall
24 be included within each of the following classes:

25 Class I: Minimal or specific forest practices that have no direct
26 potential for damaging a public resource that may be conducted without
27 submitting an application or a notification;

28 Class II: Forest practices which have a less than ordinary
29 potential for damaging a public resource that may be conducted without
30 submitting an application and may begin five calendar days, or such
31 lesser time as the department may determine, after written notification
32 by the operator, in the manner, content, and form as prescribed by the
33 department, is received by the department. However, the work may not
34 begin until all forest practice fees required under RCW 76.09.065 have
35 been received by the department. Class II shall not include forest
36 practices:

37 (a) On lands platted after January 1, 1960, or being converted to
38 another use;

1 (b) Which require approvals under the provisions of the hydraulics
2 act, RCW 75.20.100;

3 (c) Within "shorelines of the state" as defined in RCW 90.58.030;
4 or

5 (d) Excluded from Class II by the board;

6 Class III: Forest practices other than those contained in Class I,
7 II, or IV. A Class III application must be approved or disapproved by
8 the department within thirty calendar days from the date the department
9 receives the application. However, the applicant may not begin work on
10 that forest practice until all forest practice fees required under RCW
11 76.09.065 have been received by the department;

12 Class IV: Forest practices other than those contained in Class I
13 or II: (a) On lands platted after January 1, 1960, (b) on lands being
14 converted to another use, (c) on lands which, pursuant to RCW 76.09.070
15 as now or hereafter amended, are not to be reforested because of the
16 likelihood of future conversion to urban development, and/or (d) which
17 have a potential for a substantial impact on the environment and
18 therefore require an evaluation by the department as to whether or not
19 a detailed statement must be prepared pursuant to the state
20 environmental policy act, chapter 43.21C RCW. Such evaluation shall be
21 made within ten days from the date the department receives the
22 application: PROVIDED, That nothing herein shall be construed to
23 prevent any local or regional governmental entity from determining that
24 a detailed statement must be prepared for an action pursuant to a Class
25 IV forest practice taken by that governmental entity concerning the
26 land on which forest practices will be conducted. A Class IV
27 application must be approved or disapproved by the department within
28 thirty calendar days from the date the department receives the
29 application, unless the department determines that a detailed statement
30 must be made, in which case the application must be approved or
31 disapproved by the department within sixty calendar days from the date
32 the department receives the application, unless the ((~~commissioner of~~
33 ~~public lands~~)) director, through the promulgation of a formal order,
34 determines that the process cannot be completed within such period.
35 However, the applicant may not begin work on that forest practice until
36 all forest practice fees required under RCW 76.09.065 have been
37 received by the department.

1 Forest practices under Classes I, II, and III are exempt from the
2 requirements for preparation of a detailed statement under the state
3 environmental policy act.

4 (2) No Class II, Class III, or Class IV forest practice shall be
5 commenced or continued after January 1, 1975, unless the department has
6 received a notification with regard to a Class II forest practice or
7 approved an application with regard to a Class III or Class IV forest
8 practice containing all information required by RCW 76.09.060 as now or
9 hereafter amended: PROVIDED, That any person commencing a forest
10 practice during 1974 may continue such forest practice until April 1,
11 1975, if such person has submitted an application to the department
12 prior to January 1, 1975: PROVIDED, FURTHER, That in the event forest
13 practices regulations necessary for the scheduled implementation of
14 this chapter and RCW 90.48.420 have not been adopted in time to meet
15 such schedules, the department shall have the authority to regulate
16 forest practices and approve applications on such terms and conditions
17 consistent with this chapter and RCW 90.48.420 and the purposes and
18 policies of RCW 76.09.010 until applicable forest practices regulations
19 are in effect.

20 (3) If a notification or application is delivered in person to the
21 department by the operator or the operator's agent, the department
22 shall immediately provide a dated receipt thereof. In all other cases,
23 the department shall immediately mail a dated receipt to the operator.

24 (4) Forest practices shall be conducted in accordance with the
25 forest practices regulations, orders and directives as authorized by
26 this chapter or the forest practices regulations, and the terms and
27 conditions of any approved applications.

28 (5) The department (~~(of natural resources)~~) shall notify the
29 applicant in writing of either its approval of the application or its
30 disapproval of the application and the specific manner in which the
31 application fails to comply with the provisions of this section or with
32 the forest practices regulations. Except as provided otherwise in this
33 section, if the department fails to either approve or disapprove an
34 application or any portion thereof within the applicable time limit,
35 the application shall be deemed approved and the operation may be
36 commenced: PROVIDED, That this provision shall not apply to
37 applications which are neither approved nor disapproved pursuant to the
38 provisions of subsection (7) of this section: PROVIDED, FURTHER, That
39 if seasonal field conditions prevent the department from being able to

1 properly evaluate the application, the department may issue an approval
2 conditional upon further review within sixty days: PROVIDED, FURTHER,
3 That the department shall have until April 1, 1975, to approve or
4 disapprove an application involving forest practices allowed to
5 continue to April 1, 1975, under the provisions of subsection (2) of
6 this section. Upon receipt of any notification or any satisfactorily
7 completed application the department shall in any event no later than
8 two business days after such receipt transmit a copy to the departments
9 of ecology and fish and wildlife, and to the county, city, or town in
10 whose jurisdiction the forest practice is to be commenced. Any
11 comments by such agencies shall be directed to the department of
12 natural resources.

13 (6) If the county, city, or town believes that an application is
14 inconsistent with this chapter, the forest practices regulations, or
15 any local authority consistent with RCW 76.09.240 as now or hereafter
16 amended, it may so notify the department and the applicant, specifying
17 its objections.

18 (7) The department shall not approve portions of applications to
19 which a county, city, or town objects if:

20 (a) The department receives written notice from the county, city,
21 or town of such objections within fourteen business days from the time
22 of transmittal of the application to the county, city, or town, or one
23 day before the department acts on the application, whichever is later;
24 and

25 (b) The objections relate to lands either:

26 (i) Platted after January 1, 1960; or

27 (ii) Being converted to another use.

28 The department shall either disapprove those portions of such
29 application or appeal the county, city, or town objections to the
30 appeals board. If the objections related to subparagraphs (b)(i) and
31 (ii) of this subsection are based on local authority consistent with
32 RCW 76.09.240 as now or hereafter amended, the department shall
33 disapprove the application until such time as the county, city, or town
34 consents to its approval or such disapproval is reversed on appeal.
35 The applicant shall be a party to all department appeals of county,
36 city, or town objections. Unless the county, city, or town either
37 consents or has waived its rights under this subsection, the department
38 shall not approve portions of an application affecting such lands until
39 the minimum time for county, city, or town objections has expired.

1 (8) In addition to any rights under the above paragraph, the
2 county, city, or town may appeal any department approval of an
3 application with respect to any lands within its jurisdiction. The
4 appeals board may suspend the department's approval in whole or in part
5 pending such appeal where there exists potential for immediate and
6 material damage to a public resource.

7 (9) Appeals under this section shall be made to the appeals board
8 in the manner and time provided in RCW 76.09.220(8). In such appeals
9 there shall be no presumption of correctness of either the county,
10 city, or town or the department position.

11 (10) The department shall, within four business days notify the
12 county, city, or town of all notifications, approvals, and disapprovals
13 of an application affecting lands within the county, city, or town,
14 except to the extent the county, city, or town has waived its right to
15 such notice.

16 (11) A county, city, or town may waive in whole or in part its
17 rights under this section, and may withdraw or modify any such waiver,
18 at any time by written notice to the department.

19 **Sec. 27.** RCW 76.12.050 and 1973 1st ex.s. c 50 s 1 are each
20 amended to read as follows:

21 The board of county commissioners of any county and/or the mayor
22 and city council or city commission of any city or town and/or the land
23 board (~~((of natural resources))~~) shall have authority to exchange, each
24 with the other, or with the federal forest service, the federal
25 government or any proper agency thereof and/or with any private
26 landowner, county land of any character, land owned by municipalities
27 of any character, and land owned by the state under the jurisdiction of
28 the department of natural resources, for real property of equal value
29 for the purpose of consolidating and blocking up the respective land
30 holdings of any county, municipality, the federal government, or the
31 state of Washington or for the purpose of obtaining lands having
32 commercial recreational leasing potential.

33 **Sec. 28.** RCW 76.12.060 and 1961 c 77 s 2 are each amended to read
34 as follows:

35 The (~~((commissioner of public lands))~~) director of the department of
36 natural resources shall, with the advice and approval of the attorney
37 general, execute such agreements, writings, or relinquishments and

1 certify to the governor such deeds as are necessary or proper to
2 complete an exchange as authorized by the land board (~~((of natural~~
3 ~~resources))~~) under RCW 76.12.050.

4 **Sec. 29.** RCW 76.12.155 and 1988 c 128 s 34 are each amended to
5 read as follows:

6 The (~~commissioner of public lands~~) director of the department of
7 natural resources shall keep in his or her office in a permanent bound
8 volume a record of all forest lands acquired by the state and any lands
9 owned by the state and designated as such by the department. The
10 record shall show the date and from whom said lands were acquired;
11 amount and method of payment therefor; the forest within which said
12 lands are embraced; the legal description of such lands; the amount of
13 money expended, if any, and the date thereof, for seeding, planting,
14 maintenance or care for such lands; the amount, date and source of any
15 income derived from such land; and such other information and data as
16 may be required by the department.

17 **Sec. 30.** RCW 79.01.007 and 1991 c 204 s 5 are each amended to read
18 as follows:

19 Where C.E.P. & R.I. land has the potential for lease for
20 commercial, industrial, or residential uses or other uses with the
21 potential for high economic return and is within urban or suburban
22 areas, the department of natural resources shall make every effort
23 consistent with trust land management principles and all other
24 provisions of law to lease the lands for such purposes, unless the land
25 is subject to a lease to a state agency operating an existing state
26 institution. The department of natural resources is authorized,
27 subject to approval by the land board (~~((of natural resources))~~) and only
28 if a higher return can be realized, to exchange such lands for lands of
29 at least equal value and to sell such lands and use the proceeds to
30 acquire replacement lands. The department shall report to the
31 appropriate legislative committees all C.E.P. & R.I. land purchased,
32 sold, or exchanged. Income from the leases shall be deposited in the
33 charitable, educational, penal, and reformatory institutions account.
34 The legislature shall give priority consideration to appropriating one-
35 half of the money derived from lease income to providing community
36 housing for persons who are mentally ill, developmentally disabled, or
37 youth who are blind, deaf, or otherwise disabled.

1 **Sec. 31.** RCW 79.01.009 and 1992 c 167 s 2 are each amended to read
2 as follows:

3 (1) For the purposes of this section, "public agency" means any
4 agency, political subdivision, or unit of local government of this
5 state including, but not limited to, municipal corporations, quasi-
6 municipal corporations, special purpose districts, and local service
7 districts; any agency of the state government; any agency of the United
8 States; and any Indian tribe recognized as such by the federal
9 government.

10 (2) With the approval of the land board (~~((of natural resources))~~),
11 the department of natural resources may directly transfer or dispose of
12 real property, without public auction, in the following circumstances:

13 (a) Transfers in lieu of condemnations;

14 (b) Transfers to public agencies; and

15 (c) Transfers to resolve trespass and property ownership disputes.

16 (3) Real property to be transferred or disposed of under this
17 section shall be transferred or disposed of only after appraisal and
18 for at least fair market value, and only if such transaction is in the
19 best interest of the state or affected trust.

20 **Sec. 32.** RCW 79.01.060 and 1927 c 255 s 15 are each amended to
21 read as follows:

22 The (~~((commissioner of public lands))~~) director of the department of
23 natural resources shall have the power to appoint an auditor and
24 cashier, and an assistant auditor and cashier, and to appoint and
25 employ such number of state land inspectors, who shall be citizens of
26 the state of Washington familiar with the work of inspecting and
27 appraising lands, and such number of engineers, draftsmen, clerks and
28 other assistants, as (~~((he))~~) the director may deem necessary for the
29 performance of the duties of (~~((his))~~) office.

30 **Sec. 33.** RCW 79.01.064 and 1927 c 255 s 16 are each amended to
31 read as follows:

32 The (~~((commissioner of public lands))~~) director of the department of
33 natural resources and (~~((his))~~) appointees shall enter into good and
34 sufficient surety company bonds as required by law, in the following
35 sums: (~~((Commissioner of public lands))~~) Director, fifty thousand
36 dollars; auditor and cashier, twenty thousand dollars; assistant
37 auditor and cashier, ten thousand dollars; each state land inspector,

1 five thousand dollars; and other appointees in such sum as may be fixed
2 in the manner provided by law.

3 **Sec. 34.** RCW 79.01.068 and 1988 c 128 s 52 are each amended to
4 read as follows:

5 The compensation of a state land inspector shall not exceed seven
6 dollars per diem for the time actually employed, and necessary
7 expenses, which shall be submitted to the ~~((commissioner of public~~
8 ~~lands))~~ director of the department of natural resources in an itemized
9 and verified account to be approved by ~~((him))~~ the director.

10 Each state land inspector shall, before entering upon his or her
11 duties, take and subscribe and file in the office of the secretary of
12 state, an oath in substance as follows: "I do solemnly
13 swear that I will well and truly perform the duties of state land
14 inspector in the inspection and appraisal of lands to be selected
15 by, or belonging to, or held in trust by the state of Washington, to
16 the best of my knowledge and ability; that I will personally and
17 carefully examine each parcel or tract of land assigned to me for
18 inspection, and a full and complete report make, as to each tract
19 inspected, of every material fact connected with the location,
20 condition and character of said land, and my estimate of the value
21 thereof, and the amount and estimated value of all timber, or other
22 valuable material, and all improvements thereon, when directed by the
23 ~~((commissioner of public lands))~~ director of the department of natural
24 resources; that I am not, nor will I become, interested directly or
25 indirectly in the sale, lease or purchase of said lands; that I will
26 not communicate or disclose to any person other than the ~~((commissioner~~
27 ~~of public lands, or his deputy,))~~ director or the members of the land
28 board ~~((of natural resources))~~, any information in relation to the
29 location, condition, character or value of any lands inspected by me,
30 or the timber or other valuable material, or the improvements thereon;
31 that in the performance of my duties as state land inspector I will in
32 all respects act according to the best of my knowledge and ability, and
33 will protect the interests of the state of Washington."

34 **Sec. 35.** RCW 79.01.072 and 1988 c 128 s 53 are each amended to
35 read as follows:

36 If any state land inspector shall knowingly or willfully make any
37 false statement in any report of inspection of lands, or any false

1 estimate of the value of lands inspected or the timber or other
2 valuable materials or improvements thereon, or shall knowingly or
3 willfully divulge anything or give any information in regard to lands
4 inspected by him or her, other than to the (~~commissioner of public~~
5 ~~lands, the deputy commissioner of public lands,~~) director of the
6 department of natural resources or the land board (~~(of natural~~
7 ~~resources))~~, he or she shall forthwith be removed from office, and
8 shall be deemed guilty of a felony and in such case it shall be the
9 duty of the (~~commissioner of public lands~~) director and of the
10 members of the land board (~~(of natural resources)~~), to report all facts
11 within their knowledge to the proper prosecuting officer to the end
12 that prosecution for the offense may be had.

13 **Sec. 36.** RCW 79.01.074 and 1986 c 100 s 48 are each amended to
14 read as follows:

15 The department is hereby authorized, when in its judgment it
16 appears advisable, to accept on behalf of the state, any grant of land
17 within the state which shall then become a part of the state forests.
18 No grant may be accepted until the title has been examined and approved
19 by the attorney general of the state and a report made to the land
20 board (~~(of natural resources)~~) of the result of the examination.

21 **Sec. 37.** RCW 79.01.076 and 1927 c 255 s 19 are each amended to
22 read as follows:

23 So long as any grant of lands by the United States to the state of
24 Washington, for any purpose, or as lieu or indemnity lands therefor,
25 remains incomplete, the (~~commissioner of public lands~~) land board
26 shall, from time to time, cause the records in (~~(his)~~) its office and
27 in the United States land offices, to be examined for the purpose of
28 ascertaining what of the unappropriated lands of the United States are
29 open to selection, and whether any thereof may be of sufficient value
30 and so situated as to warrant their selection as state lands, and in
31 that case may cause the same to be inspected and appraised by one or
32 more state land inspectors, and a full report made thereon by the
33 smallest legal subdivisions of forty acres each, classifying such lands
34 into grazing, farming and timbered lands, and estimating the value of
35 each tract inspected and the quantity and value of all valuable
36 material thereon, and in the case of timbered lands the amount and
37 value of the standing timber thereon, and the estimated value of such

1 lands after the timber is removed, which report shall be made as amply
2 and expeditiously as possible on blanks to be furnished by the
3 (~~commissioner of public lands~~) land board for that purpose, under the
4 oath of the inspector to the effect that he or she has personally
5 examined the tracts mentioned in each forty acres thereof, and that
6 said report and appraisalment is made from such personal examination,
7 and is, to the best of affiant's knowledge and belief, true and
8 correct, and that the lands are not occupied by any bona fide settler.

9 The (~~commissioner of public lands~~) land board shall select such
10 unappropriated lands as (~~he~~) it shall deem advisable, and do all
11 things necessary under the laws of the United States to vest title
12 thereto in the state, and shall assign lands of equal value, as near as
13 may be, to the various uncompleted grants.

14 **Sec. 38.** RCW 79.01.080 and 1927 c 255 s 20 are each amended to
15 read as follows:

16 In case any person interested in any tract of land heretofore
17 selected by the territory of Washington or any officer, board or agent
18 thereof or by the state of Washington or any officer, board or agent
19 thereof or which may be hereafter selected by the state of Washington
20 or the (~~commissioner of public lands~~) land board, in pursuance to any
21 grant of public lands made by the United States to the territory or
22 state of Washington for any purpose or upon any trust whatever, the
23 selection of which has failed or been rejected or shall fail or shall
24 be rejected for any reason, shall request it, the (~~commissioner of~~
25 ~~public lands~~) land board shall have the authority and power on behalf
26 of the state to relinquish to the United States such tract of land.

27 **Sec. 39.** RCW 79.01.084 and 1982 1st ex.s. c 21 s 150 are each
28 amended to read as follows:

29 The (~~commissioner of public lands~~) land board shall cause to be
30 prepared, and furnish to applicants, blank forms of applications for
31 the appraisal and purchase of any state lands and the purchase of
32 timber, fallen timber, stone, gravel, or other valuable materials
33 situated thereon, and the lease of state lands, which forms shall
34 contain such instructions as will inform and aid intending applicants
35 in making applications.

1 **Sec. 40.** RCW 79.01.088 and 1982 1st ex.s. c 21 s 151 are each
2 amended to read as follows:

3 Any person desiring to purchase any state lands, or to purchase any
4 timber, fallen timber, stone, gravel, or other valuable materials
5 situated on state lands, or to lease any state lands, shall file in the
6 office of the ~~((commissioner of public lands))~~ land board an
7 application, on the proper form which shall be accompanied by
8 reasonable fees to be prescribed by the land board ~~((of natural~~
9 ~~resources))~~ in an amount sufficient to defray the cost of performing or
10 otherwise providing for the processing, review, or inspection of the
11 applications or activities permitted pursuant to the applications for
12 each category of services performed. These fees shall be credited to
13 the resource management cost account (RMCA) fund as established under
14 RCW 79.64.010 in the general fund.

15 **Sec. 41.** RCW 79.01.092 and 1979 ex.s. c 109 s 3 are each amended
16 to read as follows:

17 When in the judgment of the department of natural resources, there
18 is sufficient interest for the appraisalment and sale, or the lease, for
19 any lawful purpose, excepting mining of valuable minerals or coal, or
20 extraction of petroleum or gas, of state lands, the department shall
21 cause each tract of land to be inspected as to its topography,
22 development potential, forestry, agricultural and grazing qualities,
23 coal, mineral, stone, gravel or other valuable material, the distance
24 from any city or town, railroad, river, irrigation canal, ditch or
25 other waterway, and location of utilities. In case of an application
26 to purchase land granted to the state for educational purposes, the
27 department shall submit a report to the land board ~~((of natural~~
28 ~~resources))~~, which board shall fix the value per acre of each lot,
29 block, subdivision or tract proposed to be sold in one parcel, which
30 value shall be not less than ten dollars per acre. In case of
31 applications to purchase state lands, other than lands granted to the
32 state for educational purposes and capitol building lands, the
33 department shall appraise and fix the value thereof. In case of
34 interest for the lease of state lands, for any lawful purposes other
35 than that of mining for valuable minerals or coal, or extraction of
36 petroleum or gas, the department shall fix the rental value thereof,
37 and only improvements authorized in writing by the department of
38 natural resources or consistent with the approved plan of development

1 shall be placed on state lands under lease and these improvements shall
2 become the property of the state at the expiration or termination of
3 the lease unless otherwise agreed upon under the terms of the lease:
4 PROVIDED, That these improvements may be required by the department of
5 natural resources to be removed at the end of the lease term by the
6 lessee at his or her expense. Any improvements placed upon any state
7 lands without the written authority of the (~~commissioner of public~~
8 ~~lands~~) department shall become the property of the state and be
9 considered part of the land.

10 **Sec. 42.** RCW 79.01.095 and 1969 ex.s. c 131 s 1 are each amended
11 to read as follows:

12 Periodically at intervals to be determined by the land board (~~of~~
13 ~~natural resources~~), the (~~commissioner of public lands~~) land board
14 shall cause an economic analysis to be made of those state lands held
15 in trust, where the nature of the trust makes maximization of the
16 economic return to the beneficiaries of income from state lands the
17 prime objective. The analysis shall be by specific tracts, or where
18 such tracts are of similar economic characteristics, by groupings of
19 such tracts.

20 The most recently made analysis shall be considered by the
21 department of natural resources in making decisions as to whether to
22 sell or lease state lands, standing timber or crops thereon, or
23 minerals therein, including but not limited to oil and gas and other
24 hydrocarbons, rocks, gravel and sand.

25 The economic analysis shall include, but shall not be limited to
26 the following criteria: (1) Present and potential sale value; (2)
27 present and probable future returns on the investment of permanent
28 state funds; (3) probable future inflationary or deflationary trends;
29 (4) present and probable future income from leases or the sale of land
30 products; and (5) present and probable future tax income derivable
31 therefrom specifically including additional state, local and other tax
32 revenues from potential private development of land currently used
33 primarily for grazing and other similar low priority use; such private
34 development would include, but not be limited to, development as
35 irrigated agricultural land.

36 **Sec. 43.** RCW 79.01.096 and 1982 c 54 s 1 are each amended to read
37 as follows:

1 Not more than one hundred and sixty acres of any land granted to
2 the state by the United States shall be offered for sale in one parcel
3 and no university lands shall be offered for sale except by legislative
4 directive or with the consent of the board of regents of the University
5 of Washington.

6 Any land granted to the state by the United States may be sold or
7 leased for any lawful purpose in such minimum acreage as may be fixed
8 by the department of natural resources.

9 Except as otherwise provided in RCW 79.01.770, upon the application
10 of a school district or any institution of higher education for the
11 purchase or lease of lands granted to the state by the United States,
12 the department of natural resources may offer such land for sale or
13 lease to such school district or institution of higher education in
14 such acreage as it may determine, consideration being given upon
15 application of a school district to school site criteria established by
16 the state board of education: PROVIDED, That in the event the
17 department thereafter proposes to offer such land for sale or lease at
18 public auction such school district or institution of higher education
19 shall have a preference right for six months from notice of such
20 proposal to purchase or lease such land at the appraised value
21 determined by the land board (~~(of natural resources)~~).

22 State lands shall not be leased for a longer period than ten years:
23 PROVIDED, That such lands may be leased for the purpose of prospecting
24 for, developing and producing oil, gas and other hydrocarbon substances
25 or for the mining of coal subject to the provisions of chapter 79.14
26 RCW and RCW 79.01.692. Such lands may be leased for agricultural
27 purposes for any period not to exceed twenty-five years except that
28 such leases which authorize tree fruit and grape production may be for
29 any period up to fifty-five years. Such lands may be leased for public
30 school, college or university purposes for any period not exceeding
31 seventy-five years. Such lands may be leased for commercial,
32 industrial, business, or recreational purposes for any period not
33 exceeding fifty-five years. Such lands may be leased for residential
34 purposes for any period not to exceed ninety-nine years. If during the
35 term of the lease of any state lands for agricultural, grazing,
36 commercial, residential, business, or recreational purposes, in the
37 opinion of the department it is in the best interest of the state so to
38 do, the department may, on the application of the lessee and in
39 agreement with the lessee, alter and amend the terms and conditions of

1 such lease. The sum total of the original lease term and any extension
2 thereof shall not exceed the limits provided herein.

3 **Sec. 44.** RCW 79.01.104 and 1959 c 257 s 7 are each amended to read
4 as follows:

5 When, in the judgment of the (~~commissioner of public lands~~) land
6 board the best interest of the state will be thereby promoted, the
7 (~~commissioner~~) land board may vacate any plat or plats covering state
8 lands, and vacate any street, alley or other public place therein
9 situated: PROVIDED, That the vacation of any such plat shall not
10 affect the vested rights of any person or persons theretofore acquired
11 therein. In the exercise of the foregoing power and authority to
12 vacate, the (~~commissioner~~) land board shall enter an order in the
13 records of (~~his~~) its office and at once forward a certified copy
14 thereof to the county auditor of the county wherein said platted lands
15 are located and said auditor shall cause the same to be recorded in the
16 miscellaneous records of his or her office and noted on the plat by
17 reference to the volume and page of the record.

18 **Sec. 45.** RCW 79.01.108 and 1959 c 257 s 8 are each amended to read
19 as follows:

20 Whenever all the owners and other persons having a vested interest
21 in the lands abutting on any street, alley, or other public place, or
22 any portion thereof, in any plat of state lands, lying outside the
23 limits of any incorporated city or town, shall petition the
24 (~~commissioner of public lands~~) land board therefor, the
25 (~~commissioner~~) land board may vacate any such tract, alley or public
26 place or part thereof and in such case all such streets, alleys or
27 other public places or portions thereof so vacated shall be platted,
28 appraised and sold or leased in the manner provided for the platting,
29 appraisal and sale or lease of similar lands: PROVIDED, That where the
30 area vacated can be determined from the plat already filed it shall not
31 be necessary to survey such area before platting the same. The owner
32 or owners, or other persons having a vested interest in the lands
33 abutting on any of the lots, blocks or other parcels platted upon the
34 lands embraced within any area vacated as hereinabove provided, shall
35 have a preference right for the period of sixty days from the date of
36 filing such plat and the appraisal of such lots, blocks or other

1 parcels of land in the office of the (~~commissioner of public lands~~)
2 land board, to purchase the same at the appraised value thereof.

3 **Sec. 46.** RCW 79.01.112 and 1959 c 257 s 9 are each amended to read
4 as follows:

5 Whenever application is made to purchase less than a section of
6 unplatted state lands, the (~~commissioner of public lands~~) land board
7 may order the inspection of the entire section or sections of which the
8 lands applied for form a part.

9 **Sec. 47.** RCW 79.01.116 and 1982 1st ex.s. c 21 s 152 are each
10 amended to read as follows:

11 In no case shall any lands granted to the state be offered for sale
12 unless the same shall have been appraised by the land board (~~of~~
13 ~~natural resources~~) within ninety days prior to the date fixed for the
14 sale, and in no case shall any other state lands, or any materials on
15 any state lands, be offered for sale unless the same shall have been
16 appraised by the (~~commissioner of public lands~~) land board within
17 ninety days prior to the date fixed for the sale.

18 **Sec. 48.** RCW 79.01.120 and 1982 1st ex.s. c 21 s 153 are each
19 amended to read as follows:

20 The (~~commissioner of public lands~~) land board may cause any state
21 lands to be surveyed for the purpose of ascertaining and determining
22 the area subject to sale or lease.

23 **Sec. 49.** RCW 79.01.124 and 1982 1st ex.s. c 21 s 154 are each
24 amended to read as follows:

25 Timber, fallen timber, stone, gravel, or other valuable material
26 situated upon state lands may be sold separate from the land, when in
27 the judgment of the (~~commissioner of public lands~~) land board, it is
28 for the best interest of the state so to sell the same, and in case the
29 estimated amount of timber on any tract of state lands, shall exceed
30 one million feet to the quarter section, the timber shall be sold
31 separate from the land. When application is made for the purchase of
32 any valuable material situated upon state lands, the same inspection
33 and report shall be had as upon an application for the appraisalment and
34 sale of such lands, and the (~~commissioner of public lands~~) land board
35 shall appraise the value of the material applied for. No timber,

1 fallen timber, stone, gravel, or other valuable material, shall be sold
2 for less than the appraised value thereof.

3 **Sec. 50.** RCW 79.01.140 and 1979 ex.s. c 109 s 6 are each amended
4 to read as follows:

5 No lessee of state lands shall remain in possession of said lands
6 after the termination or expiration of his or her lease, without the
7 written consent of the (~~(commissioner of public lands)~~) land board, and
8 then only upon such terms and conditions as such written consent shall
9 prescribe: PROVIDED, That the department of natural resources may
10 authorize for a specific period beyond the term of the lease cropping
11 improvements for the purpose of crop rotation which shall be deemed
12 authorized improvements.

13 **Sec. 51.** RCW 79.01.148 and 1979 ex.s. c 109 s 7 are each amended
14 to read as follows:

15 If the purchaser of state lands be not the owner of the authorized
16 improvements thereon, he or she shall deposit with the auctioneer
17 making the sale, at the time of the sale, the appraised value of such
18 improvements, and the (~~(commissioner)~~) land board shall pay to the
19 owner of said improvements the sum so deposited: PROVIDED, That when
20 the improvements are owned by the state in accordance with the
21 provisions of this chapter or have been acquired by the state by
22 escheat or operation of law the purchaser may, in case of sale, pay for
23 such improvements in equal annual installments at the same time, and
24 with the same rate of interest on deferred payments, as the
25 installments of the purchase price of the land are paid, and under such
26 rules and regulations regarding use and care of said improvements as
27 may be fixed by the (~~(commissioner of public lands)~~) land board.

28 **Sec. 52.** RCW 79.01.152 and 1988 c 128 s 55 are each amended to
29 read as follows:

30 For the purpose of determining the value and character of lands,
31 timber, fallen timber, stone, gravel, or other valuable material, or
32 improvements, the land board (~~((of natural resources, or the~~
33 ~~commissioner of public lands, as the case may be,))~~) may compel the
34 attendance of witnesses by subpoena, at such place as the board(~~(, or~~
35 ~~the commissioner,))~~) may designate, and examine such witnesses under

1 oath as to the value and character of such lands, or materials, or
2 improvements and waste or damage to the land.

3 **Sec. 53.** RCW 79.01.160 and 1959 c 257 s 15 are each amended to
4 read as follows:

5 All sales of timber upon state lands shall be made subject to the
6 right, power and authority of the ((~~commissioner of public lands~~)) land
7 board to prescribe rules and regulations governing the manner of the
8 removal of the timber with a view to the protection of the
9 nonmerchantable timber against destruction or injury by fire or from
10 other causes, and such rules or regulations shall be binding upon the
11 purchaser of the timber and his or her successors in interest and shall
12 be enforced by the ((~~commissioner of public lands~~)) department of
13 natural resources.

14 **Sec. 54.** RCW 79.01.164 and 1959 c 257 s 16 are each amended to
15 read as follows:

16 When the merchantable timber has been sold and actually removed
17 from any state lands, the ((~~commissioner of public lands~~)) land board
18 may classify the land, and may reserve from any future sale such
19 portions thereof as may be found suitable for reforestation, and in
20 such case, the ((~~commissioner~~)) land board shall enter such reservation
21 in the records in ((~~his~~)) its office, and all such lands so reserved
22 shall not thereafter be subject to sale or lease. The ((~~commissioner~~
23 ~~of public lands~~)) land board shall certify all such reservations for
24 reforestation so made, ((~~to the board of natural resources,~~)) and it
25 shall be the duty of the department of natural resources, to protect
26 such lands, and the remaining timber thereon, from fire and to reforest
27 the same.

28 **Sec. 55.** RCW 79.01.168 and 1961 c 73 s 2 are each amended to read
29 as follows:

30 The ((~~commissioner of public lands~~)) land board may cause valuable
31 materials on state lands to be inspected and appraised and offered for
32 sale ((~~when authorized by the board of natural resources~~)) without an
33 application having been filed, or deposit made, for the purchase of the
34 same.

1 **Sec. 56.** RCW 79.01.172 and 1927 c 255 s 43 are each amended to
2 read as follows:

3 Whenever the state of Washington shall become the owner of any
4 growing crop, or crop grown upon, any state lands, by reason of the
5 forfeiture, cancellation or termination of any contract or lease of
6 state lands, or from any other cause, the (~~commissioner of public~~
7 ~~lands~~) land board is authorized to arrange for the harvesting, sale or
8 other disposition of such crop in such manner as ((he)) it deems for
9 the best interest of the state, and shall pay the proceeds of any such
10 sale into the state treasury to be credited to the same fund as the
11 rental of the lands upon which the crop was grown would be credited.

12 **Sec. 57.** RCW 79.01.176 and 1982 1st ex.s. c 21 s 155 are each
13 amended to read as follows:

14 Any county, city, or town desiring to purchase any stone, rock,
15 gravel, or sand upon any state lands to be used in the construction,
16 maintenance, or repair of any public street, road, or highway within
17 such county, city, or town, may file with the (~~commissioner of public~~
18 ~~lands~~) land board an application for the purchase thereof, which
19 application shall set forth the quantity and kind of material desired
20 to be purchased, the location thereof, and the name, or other
21 designation, and location of the street, road, or highway upon which
22 the material is to be used. The (~~commissioner of public lands~~) land
23 board upon the receipt of such an application is authorized to sell
24 said material in such manner and upon such terms as ((he)) it deems
25 advisable and for the best interest of the state for not less than the
26 fair market value thereof to be appraised by the (~~commissioner of~~
27 ~~public lands~~) land board. The proceeds of any such sale shall be paid
28 into the state treasury and credited to the fund to which the proceeds
29 of the sale of the land upon which the material is situated would
30 belong.

31 **Sec. 58.** RCW 79.01.188 and 1982 1st ex.s. c 21 s 157 are each
32 amended to read as follows:

33 The (~~commissioner of public lands~~) land board shall cause to be
34 printed a list of all public lands, or materials thereon, and the
35 appraised value thereof, that are to be sold in the several counties of
36 the state, said lists to be issued at least four weeks prior to the
37 date of any sale of the lands or materials enumerated thereon, such

1 lands and materials to be listed under the name of the county wherein
2 located, in alphabetical order giving the appraised values, the
3 character of the same, and such other information as may be of interest
4 to prospective buyers. (~~((Said commissioner of public lands))~~) The land
5 board shall cause to be distributed to the auditor of each county in
6 the state a sufficient number of such lists to supply the demands made
7 upon them respectively as reported by such auditors. And said county
8 auditors shall keep the list so furnished in a conspicuous place or
9 receptacle on the counter of the public office of their respective
10 departments, and, when requested so to do, shall mail copies of such
11 lists to residents of their counties. The (~~((commissioner of public~~
12 ~~lands))~~) land board shall retain for free distribution in (~~((his))~~) its
13 office and the district offices sufficient copies of said lists, to be
14 kept in a conspicuous place or receptacle on the counter of the general
15 office of the (~~((commissioner of public lands))~~) land board, and the
16 districts, and, when requested so to do, shall mail copies of said
17 lists as issued to any applicant therefor. Proof of publication of the
18 notice of sale shall be made by affidavit of the publisher, or person
19 in charge, of the newspaper publishing the same and proof of posting
20 the notice of sale and the receipt of the lists shall be made by
21 certificate of the county auditor which shall forthwith be sent to and
22 filed with the (~~((commissioner of public lands))~~) land board.

23 **Sec. 59.** RCW 79.01.192 and 1927 c 255 s 48 are each amended to
24 read as follows:

25 The (~~((commissioner of public lands))~~) land board is authorized to
26 expend any sum in additional advertising of such sale as (~~((he))~~) it
27 shall determine to be for the best interest of the state.

28 **Sec. 60.** RCW 79.01.200 and 1989 c 148 s 3 are each amended to read
29 as follows:

30 All sales of land shall be at public auction, and all sales of
31 valuable materials shall be at public auction or by sealed bid to the
32 highest bidder, on the terms prescribed by law and as specified in the
33 notice provided, and no land or materials shall be sold for less than
34 its appraised value: PROVIDED, That on public lands granted to the
35 state for educational purposes sealed bids may be accepted for sales of
36 timber or stone only: PROVIDED FURTHER, That when valuable material
37 has been appraised at an amount not exceeding one hundred thousand

1 dollars, the department of natural resources, when authorized by the
2 land board (~~((of natural resources))~~), may arrange for the sale at public
3 auction of said valuable material and for its removal under such terms
4 and conditions as the department may prescribe, after the department
5 shall have caused to be published not less than ten days prior to sale
6 a notice of such sale in a newspaper of general circulation located
7 nearest to property to be sold. This section does not apply to direct
8 sales authorized in RCW 79.01.184.

9 **Sec. 61.** RCW 79.01.208 and 1927 c 255 s 52 are each amended to
10 read as follows:

11 If any land so offered for sale be not sold the same may again be
12 advertised for sale, as provided in this chapter, whenever in the
13 opinion of the (~~((commissioner of public lands))~~) land board it shall be
14 expedient so to do, and such land shall be again advertised and offered
15 for sale as herein provided, whenever any person shall apply to the
16 (~~((commissioner))~~) land board in writing to have such land offered for
17 sale and shall agree to pay, at least the appraised value thereof and
18 shall deposit with the (~~((commissioner))~~) land board at the time of
19 making such application a sufficient sum of money to pay the cost of
20 advertising such sale.

21 **Sec. 62.** RCW 79.01.216 and 1984 c 222 s 11 are each amended to
22 read as follows:

23 All state lands shall be sold on terms and conditions established
24 by the land board (~~((of natural resources))~~) in light of market
25 conditions. Sales by real estate contract or for cash may be
26 authorized. All deferred payments shall draw interest at such rate as
27 may be fixed, from time to time, by rule adopted by the land board (~~((of~~
28 ~~natural resources))~~), and the rate of interest, as so fixed at the date
29 of each sale, shall be stated in all advertising for and notice of sale
30 and in the contract of sale. All remittances for payment of either
31 principal or interest shall be forwarded to the department of natural
32 resources.

33 **Sec. 63.** RCW 79.01.220 and 1982 1st ex.s. c 21 s 160 are each
34 amended to read as follows:

35 When the entire purchase price of any state lands shall have been
36 fully paid, the (~~((commissioner of public lands))~~) land board shall

1 certify such fact to the governor, and shall cause a deed signed by the
2 governor and attested by the secretary of state, with the seal of the
3 state attached thereto, to be issued to the purchaser and to be
4 recorded in the office of the (~~commissioner of public lands~~) land
5 board, and no fee shall be required for any deed of land issued by the
6 governor other than the fee provided for in this chapter.

7 **Sec. 64.** RCW 79.01.228 and 1985 c 237 s 18 are each amended to
8 read as follows:

9 The purchaser of state lands under the provisions of this chapter,
10 except in cases where the full purchase price is paid at the time of
11 the purchase, shall enter into and sign a contract with the state, to
12 be signed by the (~~commissioner of public lands~~) land board on behalf
13 of the state, with the seal of (~~his~~) office attached, and in a form
14 to be prescribed by the attorney general, in which (~~he~~) the purchaser
15 shall covenant that he or she will make the payments of principal and
16 interest, computed from the date the contract is issued, when due, and
17 that he or she will pay all taxes and assessments that may be levied or
18 assessed on such land, and that on failure to make the payments as
19 prescribed in this chapter when due all rights of the purchaser under
20 said contract may, at the election of the (~~commissioner of public~~
21 ~~lands~~) land board, acting for the state, be forfeited, and that when
22 forfeited the state shall be released from all obligation to convey the
23 land. The purchaser's rights under the real estate contract shall not
24 be forfeited except as provided in chapter 61.30 RCW.

25 The contract provided for in this section shall be executed in
26 duplicate, and one copy shall be retained by the purchaser and the
27 other shall be filed in the office of the (~~commissioner of public~~
28 ~~lands~~) land board.

29 The (~~commissioner of public lands~~) land board may, as (~~he~~) it
30 deems advisable, extend the time for payment of principal and interest
31 on contracts heretofore issued, and contracts to be issued under this
32 chapter.

33 The (~~commissioner of public lands~~) land board shall notify the
34 purchaser of any state lands in each instance when payment on his or
35 her contract is overdue, and that he or she is liable to forfeiture if
36 payment is not made when due.

1 **Sec. 65.** RCW 79.01.232 and 1927 c 255 s 58 are each amended to
2 read as follows:

3 When timber, fallen timber, stone, gravel, or other valuable
4 material, shall have been sold separate from the land and the purchase
5 price paid in full, the ~~((commissioner of public lands))~~ land board
6 shall cause a bill of sale, signed by the ~~((commissioner and attested~~
7 ~~by the seal of his office))~~ land board, setting forth the time within
8 which such material shall be removed, to be issued to the purchaser and
9 to be recorded in the office of the ~~((commissioner of public lands))~~
10 land board, upon the payment of the fee provided for in this chapter.

11 **Sec. 66.** RCW 79.01.236 and 1982 1st ex.s. c 21 s 163 are each
12 amended to read as follows:

13 Whenever the holder of a contract of purchase of any state lands,
14 or the holder of any lease of any such lands, except for mining of
15 valuable minerals or coal, or extraction of petroleum or gas, shall
16 surrender the same to the ~~((commissioner))~~ land board with the request
17 to have it divided into two or more contracts, or leases, the
18 ~~((commissioner))~~ land board may divide the same and issue new
19 contracts, or leases, but no new contract, or lease, shall issue while
20 there is due and unpaid any interest, rental, or taxes or assessments
21 on the land held under such contract or lease, nor in any case where
22 the ~~((commissioner))~~ land board is of the opinion that the state's
23 security would be impaired or endangered by the proposed division. For
24 all such new contracts, or leases, a fee as determined by the land
25 board ~~((of natural resources))~~ for each new contract or lease issued,
26 shall be paid by the applicant and such fee shall be paid into the
27 state treasury to the resource management cost account fund established
28 in the general fund pursuant to RCW 79.64.010.

29 **Sec. 67.** RCW 79.01.242 and 1984 c 222 s 12 are each amended to
30 read as follows:

31 (1) Subject to other provisions of this chapter and subject to
32 rules adopted by the land board ~~((of natural resources))~~, the
33 department may lease state lands for purposes it deems advisable,
34 including, but not limited to, commercial, industrial, residential,
35 agricultural, and recreational purposes in order to obtain a fair
36 market rental return to the state or the appropriate constitutional or
37 statutory trust. Every lease issued by the department, shall contain:

1 (a) The specific use or uses to which the land is to be employed; (b)
2 the improvements required: PROVIDED, That a minimum reasonable time is
3 allowed for the completion of the improvements; (c) the rent is payable
4 in advance in quarterly, semiannual, or annual payments, as determined
5 by the department or as agreed upon by the lessee and the department of
6 natural resources; (d) other terms and conditions as the department
7 deems advisable, subject to review by the land board (~~((of natural~~
8 ~~resources))~~), to more nearly effectuate the purposes of the state
9 Constitution and of this chapter.

10 (2) The department may authorize the use of state land by lease at
11 state auction for initial leases or by negotiation for existing leases.
12 Notice of intent to lease by negotiation shall be published in at least
13 two newspapers of general circulation in the area in which the land
14 which is to be the subject of negotiation is located within the ninety
15 days immediately preceding commencement of negotiations.

16 (3) Leases which authorize commercial, industrial, or residential
17 uses on state lands may be entered into by negotiation. Negotiations
18 shall be subject to rules of the land board (~~((of natural resources))~~).
19 At the option of the department, these leases may be placed for bid at
20 public auction.

21 (4) Any person, firm or corporation desiring to lease any state
22 lands for any purpose not prohibited by law, may make application to
23 the department, describing the lands sought to be leased on forms to be
24 provided by the department.

25 (5) Notwithstanding any provision in this chapter to the contrary,
26 in leases for residential purposes, the land board (~~((of natural~~
27 ~~resources))~~) may waive or modify any conditions of the lease if the
28 waiver or modification is necessary to enable any federal agency or
29 lending institution authorized to do business in this state or
30 elsewhere in the United States to participate in any loan secured by a
31 security interest in a leasehold interest.

32 (6) Upon expiration of the lease term, if the leased land is not
33 otherwise utilized, the department may allow the lessee to continue to
34 hold the land for a period not exceeding one year upon such rent,
35 terms, and conditions as the department may prescribe. Upon the
36 expiration of the one year extension, if the department has not yet
37 determined the disposition of the land for other purposes, the
38 department may issue a temporary permit to the lessee upon terms and

1 conditions it prescribes. The temporary permit may not extend beyond
2 a five year period.

3 **Sec. 68.** RCW 79.01.252 and 1979 ex.s. c 109 s 12 are each amended
4 to read as follows:

5 The department shall give thirty days notice of the public auction
6 leasing by posting in some conspicuous place in the county auditor's
7 office, the office of the (~~commissioner of public lands~~) land board
8 and the area headquarters of the department of natural resources
9 administering such lease, and in at least two newspapers of general
10 circulation in the area in which the leasing shall occur. The notice
11 shall specify the place and time of auction, the appraised value
12 thereof, and describe each parcel to be leased, and the terms and
13 conditions of the lease.

14 The leasing shall be conducted under the direction of the
15 (~~commissioner of public lands~~) land board by (~~his~~) its authorized
16 representative, or by the auditor for the county in which the land to
17 be leased is located. The (~~commissioner's~~) land board's
18 representative and the county auditor are hereinafter referred to as
19 auctioneers.

20 The (~~commissioner of public lands~~) land board is authorized to
21 expend an amount necessary in additional advertising of such lease as
22 (~~he~~) it shall determine to be for the best interest of the state.

23 When leases are auctioned by the county auditor the auction shall
24 take place in the county where the state land to be leased is situated
25 at such place as specified in the notice. All other leases shall be
26 held at the departmental area office having jurisdiction over the
27 leases. Auction shall be conducted between the hours of ten o'clock in
28 the morning and four o'clock in the afternoon. All leasing at public
29 auction shall be by oral or by sealed bid to the highest bidder on the
30 terms prescribed by law and as specified in the notice hereinbefore
31 provided, and no state land shall be leased for less than the appraised
32 value.

33 **Sec. 69.** RCW 79.01.256 and 1979 ex.s. c 109 s 13 are each amended
34 to read as follows:

35 The person or persons to whom any lease of state lands is awarded,
36 shall pay to the auctioneer in cash or by certified check or accepted
37 draft on any bank in this state, the rental in accordance with his or

1 her bid, and thereafter all rentals shall be paid in advance to the
2 ~~((commissioner of public lands))~~ land board.

3 **Sec. 70.** RCW 79.01.260 and 1979 ex.s. c 109 s 14 are each amended
4 to read as follows:

5 When any state lands have been leased, the auctioneer shall send to
6 the ~~((commissioner))~~ land board such cash, certified check, draft or
7 money order received from the successful bidder, together with any
8 additional report of ~~((his))~~ proceedings as may be required by the
9 ~~((commissioner))~~ land board.

10 **Sec. 71.** RCW 79.01.268 and 1979 ex.s. c 109 s 16 are each amended
11 to read as follows:

12 The ~~((commissioner of public lands))~~ land board shall keep a full
13 and complete record of all leases issued under the provisions of the
14 preceding sections and the payments made thereon. If such rental be
15 not paid on or before the date the same becomes due, according to the
16 terms of the lease, the ~~((commissioner of public lands))~~ land board
17 shall declare a forfeiture, cancel the lease and eject the lessee from
18 the land: PROVIDED, That the ~~((commissioner of public lands))~~ land
19 board may extend the time for payment of annual rental when, in ~~((his))~~
20 its judgment, the interests of the state will not be prejudiced
21 thereby.

22 **Sec. 72.** RCW 79.01.284 and 1959 c 257 s 32 are each amended to
23 read as follows:

24 At any time during the existence of any lease of state lands,
25 except lands leased for the purpose of mining of valuable minerals, or
26 coal, or extraction of petroleum or gas, the lessee with the consent of
27 the ~~((commissioner of public lands))~~ land board, first obtained, by
28 written application, showing the cost and benefits to be derived
29 thereby, may purchase or acquire a water right appurtenant to and in
30 order to irrigate the land leased ~~((by him))~~, and if such water right
31 shall become a valuable and permanent improvement to the lands, then,
32 in case of the sale or lease of such lands to other parties, the lessee
33 acquiring such water right shall be entitled to receive the value
34 thereof as in case of other improvements which ~~((he))~~ the lessee has
35 placed upon the land.

1 **Sec. 73.** RCW 79.01.296 and 1959 c 257 s 34 are each amended to
2 read as follows:

3 The lessee, or assignee of any lease, of state lands, leased for
4 grazing purposes, shall not use the same for any other purpose than
5 that expressed in the lease: PROVIDED, That such lessee, or his or
6 her assignee, of state lands, may surrender his or her lease to the
7 (~~commissioner of public lands~~) land board and request the
8 (~~commissioner~~) land board to issue an agricultural lease in lieu
9 thereof, and in such case, the (~~commissioner~~) land board upon the
10 payment of the fixed rental for agricultural purposes under the
11 appraisalment of said land shall be authorized to issue a new lease, for
12 the unexpired portion of the term of the lease surrendered, under which
13 the lessee shall be permitted to clear, plow and cultivate the lands as
14 in the case of an original lease for agricultural purposes.

15 **Sec. 74.** RCW 79.01.301 and 1967 ex.s. c 78 s 5 are each amended to
16 read as follows:

17 (1) The purpose of this section is to provide revenues to the state
18 and its various taxing districts through the sale of public lands which
19 are currently used primarily for grazing and similar low priority
20 purposes, by enabling their development as irrigated agricultural
21 lands.

22 (2) All applications for the purchase of lands of the foregoing
23 character, when accompanied by a proposed plan of development of the
24 lands for a higher priority use, shall be individually reviewed by the
25 land board (~~of natural resources~~). The board shall thereupon
26 determine whether the sale of the lands is in the public interest and
27 upon an affirmative finding shall offer such lands for sale under the
28 applicable provisions of this chapter: PROVIDED, That any such parcel
29 of land shall be sold to the highest bidder but only at a bid equal to
30 or higher than the last appraised valuation thereof as established by
31 appraisers for the department for any such parcel of land: PROVIDED
32 FURTHER, That any lands lying within United States reclamation areas,
33 the sale price of which is limited or otherwise regulated pursuant to
34 federal reclamation laws or regulations thereunder, need not be offered
35 for sale so long as such limitations or regulations are applicable
36 thereto.

37 (3) The department of natural resources shall make appropriate
38 regulations defining properties of such irrigated agricultural

1 potential and shall take into account the economic benefits to the
2 locality in classifying such properties for sale.

3 **Sec. 75.** RCW 79.01.304 and 1982 1st ex.s. c 21 s 166 are each
4 amended to read as follows:

5 The (~~commissioner of public lands~~) land board shall cause full
6 and correct abstracts of all the state lands to be made and kept in
7 (~~his~~) its office in suitable and well bound books, and other suitable
8 records. Such abstracts shall show in proper columns and pages the
9 section or part of section, lot or block, township and range in which
10 each tract is situated, whether timber or prairie, improved or
11 unimproved, the appraised value per acre, the value of improvements and
12 the value of damages, and the total value, the several values of
13 timber, stone, gravel, or other valuable materials thereon, the date of
14 sale, the name of purchaser, sale price per acre, the date of lease,
15 the name of lessee, the term of the lease, the annual rental, amount of
16 cash paid, amount unpaid and when due, amount of annual interest, and
17 in proper columns such other facts as may be necessary to show a full
18 and complete abstract of the conditions and circumstances of each tract
19 or parcel of land from the time the title was acquired by the state
20 until the issuance of a deed or other disposition of the land by the
21 state.

22 **Sec. 76.** RCW 79.01.308 and 1927 c 255 s 77 are each amended to
23 read as follows:

24 The (~~commissioner of public lands~~) land board is authorized and
25 directed to make applications, and to cause publication of notices of
26 applications, to the interior department of the United States for
27 certification that any land granted to the state is nonmineral in
28 character, in accordance with the rules of the general land office of
29 the United States.

30 **Sec. 77.** RCW 79.01.332 and 1927 c 255 s 83 are each amended to
31 read as follows:

32 Any person, firm or corporation, engaged in the business of logging
33 or lumbering, quarrying, mining or removing sand, gravel or other
34 valuable materials from land, and desirous of obtaining a right of way
35 for the purpose of transporting or moving timber, minerals, stone,
36 sand, gravel or other valuable materials from other lands, over and

1 across any state lands, or tide or shore lands belonging to the state,
2 or any such lands sold or leased by the state since the fifteenth day
3 of June, 1911, shall file with the (~~commissioner of public lands~~)
4 land board upon a form to be furnished for that purpose, a written
5 application for such right of way, accompanied by a plat showing the
6 location of the right of way applied for with references to the
7 boundaries of the government section in which the lands over and across
8 which such right of way is desired are located. Upon the filing of
9 such application and plat, the (~~commissioner of public lands~~) land
10 board shall cause the lands embraced within the right of way applied
11 for, to be inspected, and all timber thereon, and all damages to the
12 lands affected which may be caused by the use of such right of way, to
13 be appraised, and shall notify the applicant of the appraised value of
14 such timber and such appraisal of damages. Upon the payment to the
15 (~~commissioner of public lands~~) land board of the amount of the
16 appraised value of timber and damages, the (~~commissioner~~) land board
17 shall issue in duplicate a right of way certificate setting forth the
18 terms and conditions upon which such right of way is granted, as
19 provided in the preceding sections, and providing that whenever such
20 right of way shall cease to be used for the purpose for which it was
21 granted, or shall not be used in accordance with such terms and
22 conditions, it shall be deemed forfeited. One copy of such certificate
23 shall be filed in the office of the (~~commissioner of public lands~~)
24 land board and one copy delivered to the applicant.

25 **Sec. 78.** RCW 79.01.336 and 1927 c 255 s 84 are each amended to
26 read as follows:

27 Any such right of way heretofore granted which has never been used,
28 or has ceased to be used for the purpose for which it was granted, for
29 a period of two years, shall be deemed forfeited. The forfeiture of
30 any such right of way heretofore granted, or granted under the
31 provisions of the preceding sections, shall be rendered effective by
32 the mailing of a notice of such forfeiture to the grantee thereof at
33 his or her last known post office address and by stamping a copy of
34 such certificate, or other record of the grant, in the office of the
35 (~~commissioner of public lands~~) land board with the word "canceled",
36 and the date of such cancellation.

1 **Sec. 79.** RCW 79.01.348 and 1927 c 255 s 87 are each amended to
2 read as follows:

3 In order to obtain the benefits of the preceding section any
4 railroad company hereafter constructing, or proposing to construct, a
5 railroad, shall file with the (~~commissioner of public lands~~) land
6 board a copy of its articles of incorporation, due proof of
7 organization thereunder, a map or maps, accompanied by the field notes
8 of the survey, showing the location of the line of said railroad, the
9 width of the right of way and extra widths, if any, and shall pay to
10 the (~~commissioner of public lands~~) land board as hereinafter provided
11 the amount of the appraised value of the lands included within said
12 right of way, and extra widths if any are required, and the damages to
13 any lands affected by such right of way or extra widths.

14 **Sec. 80.** RCW 79.01.352 and 1927 c 255 s 88 are each amended to
15 read as follows:

16 All state lands over which a right of way of any railroad to be
17 hereafter constructed, shall be located, shall be appraised in the same
18 manner as in the case of applications for the purchase of state lands,
19 fixing the appraised value per acre for each lot or block, quarter
20 section or subdivision thereof, less the improvements, if any, and the
21 damages to any state lands affected by such right of way, shall be
22 appraised in like manner, and the appraisement shall be recorded and
23 the evidence or report upon which the same is based shall be preserved
24 of record, in the office of the (~~commissioner of public lands~~) land
25 board, and the (~~commissioner~~) land board shall send notice to the
26 railroad company applying for the right of way that such appraisement
27 has been made.

28 **Sec. 81.** RCW 79.01.356 and 1927 c 255 s 89 are each amended to
29 read as follows:

30 Should any improvements, made by anyone not holding adversely to
31 the state at the time of making such improvements or made in good faith
32 by a lessee of the state whose lease had not been canceled or was not
33 subject to cancellation for any cause, or made upon the land by
34 mistake, be upon any of such lands at the time of the appraisement, the
35 same shall be separately appraised, together with the damage and waste
36 done to said lands, or to adjacent lands, by the use and occupancy of
37 the same, and after deducting from the amount of the appraisement for

1 improvements the amount of such damage and waste, the balance shall be
2 regarded as the value of said improvements, and the railroad company,
3 if not the owner of such improvements, shall deposit with the
4 (~~commissioner of public lands~~) land board the value of the same, as
5 shown by said appraisal, within thirty days next following the date
6 thereof. The (~~commissioner of public lands~~) land board shall hold
7 such moneys for a period of three months, and unless a demand and proof
8 of ownership of such improvements shall be made upon the
9 (~~commissioner~~) land board within said period of three months, the
10 same shall be deemed forfeited to the state and deposited with the
11 state treasurer and paid into the general fund. If two or more persons
12 shall file claims of ownership of said improvements, within said period
13 of three months, with the (~~commissioner of public lands~~) land board,
14 the (~~commissioner~~) land board shall hold such moneys until the
15 claimants agree or a certified copy of the judgment decreeing the
16 ownership of said improvements shall be filed with (~~him~~) the land
17 board. When notice of agreement or a certified copy of a judgment has
18 been so filed, the (~~commissioner of public lands~~) land board shall
19 pay over to the owner of the improvements the money so deposited.

20 **Sec. 82.** RCW 79.01.360 and 1927 c 255 s 90 are each amended to
21 read as follows:

22 When the construction or proposed construction of said railroad
23 affects the value of improvements on state lands not situated on the
24 right of way or extra widths, the applicant for said right of way shall
25 file with the (~~commissioner of public lands~~) land board a valid
26 release of damages duly executed by the owner or owners of such
27 improvements, or a certified copy of a judgment of a court of competent
28 jurisdiction, showing that compensation for the damages resulting to
29 such owner or owners, as ascertained in accordance with existing law,
30 has been made or paid into the registry of such court.

31 **Sec. 83.** RCW 79.01.364 and 1927 c 255 s 91 are each amended to
32 read as follows:

33 Upon full payment of the appraised value of any right of way for a
34 railroad and of damages to state lands affected, the (~~commissioner of~~
35 ~~public lands~~) land board shall issue to the railroad company applying
36 for such right of way a certificate in such form as the (~~commissioner~~
37 ~~of public lands~~) land board may prescribe, in which the terms and

1 conditions of said easement shall be set forth and the lands covered
2 thereby described, and any future grant, or lease, by the state, of the
3 lands crossed or affected by such right of way shall be subject to the
4 easement described in the certificate.

5 **Sec. 84.** RCW 79.01.388 and 1961 c 73 s 7 are each amended to read
6 as follows:

7 In order to obtain the benefits of the grant made in RCW 79.01.384,
8 the municipal or private corporation or company, association,
9 individual, or the United States of America, constructing or proposing
10 to construct, or which has heretofore constructed, such telephone line,
11 ditch, flume, pipe line or transmission line, shall file, with the
12 (~~commissioner of public lands~~) land board, a map, accompanied by the
13 field notes of the survey and location of such telephone line, ditch,
14 flume, pipe line or transmission line, and shall make payment therefor
15 as provided in RCW 79.01.392. The land within the right of way shall
16 be limited to an amount necessary for the construction of said
17 telephone line, ditch, flume, pipe line or transmission line sufficient
18 for the purposes required, together with sufficient land on either side
19 thereof for ingress and egress to maintain and repair the same, and the
20 grant shall include the right to cut all standing timber, and/or
21 reproduction within said right of way. The grant shall also include
22 the right to cut trees marked as danger trees by the applicant outside
23 of the right of way, which shall be dangerous to the operation and
24 maintenance of the telephone line, ditch, flume, pipe line or
25 transmission line upon full payment of the appraised value thereof.

26 **Sec. 85.** RCW 79.01.392 and 1961 c 73 s 8 are each amended to read
27 as follows:

28 Upon the filing of the plat and field notes, as provided in RCW
29 79.01.388, the land applied for and the standing timber and/or
30 reproduction on the right of way applied for, and the marked danger
31 trees to be felled off the right of way, if any, and the improvements
32 included in the right of way applied for, if any, shall be appraised as
33 in the case of an application to purchase statelands. Upon full
34 payment of the appraised value of the land applied for, or upon payment
35 of an annual rental when the department of natural resources deems a
36 rental to be in the best interests of the state, and upon full payment
37 of the appraised value of the standing timber, reproduction, and

1 improvements, if any, the ((~~commissioner of public lands~~)) land board
2 shall issue to the applicant a certificate of the grant of such right
3 of way stating the terms and conditions thereof and shall enter the
4 same in the abstracts and records in ((~~his~~)) its office, and thereafter
5 any sale or lease of the lands affected by such right of way shall be
6 subject to the easement of such right of way. Should the corporation,
7 company, association, individual, or the United States of America,
8 securing such right of way ever abandon the use of the same for the
9 purposes for which it was granted, the right of way shall revert to the
10 state, or the state's grantee.

11 **Sec. 86.** RCW 79.01.400 and 1945 c 147 s 5 are each amended to read
12 as follows:

13 In order to obtain the benefits of the grant hereinabove provided
14 for, the irrigation district, irrigation company, association,
15 individual, or the United States of America, constructing or proposing
16 to construct such irrigation ditch or pipe line for irrigation, or the
17 diking and drainage district or diking and drainage improvement
18 district constructing or proposing to construct any dike or drainage
19 ditch, shall file with the ((~~commissioner of public lands~~)) land board
20 a map accompanied by the field notes of the survey and location of the
21 proposed irrigation ditch, pipe line, dike, or drainage ditch, and
22 shall pay to the state as hereinafter provided, the amount of the
23 appraised value of the said lands used for or included within such
24 right of way. The land within said right of way shall be limited to an
25 amount necessary for the construction of the irrigation ditch, pipe
26 line, dike, or drainage ditch for the purposes required, together with
27 sufficient land on either side thereof for ingress and egress to
28 maintain and repair the same.

29 **Sec. 87.** RCW 79.01.404 and 1927 c 255 s 101 are each amended to
30 read as follows:

31 Upon the filing of the plat and field notes as hereinabove
32 provided, the lands included within the right of way applied for shall
33 be appraised as in the case of an application to purchase such lands,
34 at the full market value thereof. Upon full payment of the appraised
35 value of the lands, the ((~~commissioner of public lands~~)) land board
36 shall issue to the applicant a certificate of right of way, and enter
37 the same in the records in ((~~his~~)) the land board's office and

1 thereafter any sale or lease by the state of the lands affected by such
2 right of way shall be subject thereto.

3 **Sec. 88.** RCW 79.01.408 and 1982 1st ex.s. c 21 s 174 are each
4 amended to read as follows:

5 The (~~commissioner of public lands~~) land board shall have the
6 power to grant to any person or corporation the right, privilege, and
7 authority to perpetually back and hold water upon or over any state
8 lands, and overflow such lands and inundate the same, whenever the
9 (~~commissioner~~) land board shall deem it necessary for the purpose of
10 erecting, constructing, maintaining, or operating any water power
11 plant, reservoir, or works for impounding water for power purposes,
12 irrigation, mining, or other public use, but no such rights shall be
13 granted until the value of the lands to be overflowed and any damages
14 to adjoining lands of the state, appraised as in the case of an
15 application to purchase such lands, shall have been paid by the person
16 or corporation seeking the grant, and if the construction or erection
17 of any such water power plant, reservoir, or works for impounding water
18 for the purposes heretofore specified, shall not be commenced and
19 diligently prosecuted and completed within such time as the
20 (~~commissioner of public lands~~) land board may prescribe at the time
21 of the grant, the same may be forfeited by the (~~commissioner of public~~
22 ~~lands~~) land board by serving written notice of such forfeiture upon
23 the person or corporation to whom the grant was made, but the
24 (~~commissioner~~) land board, for good cause shown to (~~his~~) its
25 satisfaction, may extend the time within which such work shall be
26 completed.

27 **Sec. 89.** RCW 79.01.500 and 1988 c 202 s 59 and 1988 c 128 s 56 are
28 each reenacted and amended to read as follows:

29 Any applicant to purchase, or lease, any public lands of the state,
30 or any valuable materials thereon, and any person whose property rights
31 or interests will be affected by such sale or lease, feeling himself or
32 herself aggrieved by any order or decision of the land board (~~of~~
33 ~~natural resources, or the commissioner of public lands~~), concerning
34 the same, may appeal therefrom to the superior court of the county in
35 which such lands or materials are situated, by serving upon all parties
36 who have appeared in the proceedings in which the order or decision was
37 made, or their attorneys, a written notice of appeal, and filing such

1 notice, with proof, or admission, of service, with the land board, (~~(or~~
2 ~~the commissioner,~~) within thirty days from the date of the order or
3 decision appealed from, and at the time of filing the notice, or within
4 five days thereafter, filing a bond to the state, in the penal sum of
5 two hundred dollars, with sufficient sureties, to be approved by the
6 secretary of the board, (~~(or the commissioner,~~) conditioned that the
7 appellant shall pay all costs that may be awarded against him or her on
8 appeal, or the dismissal thereof. Within thirty days after the filing
9 of notice of appeal, the secretary of the board(~~(, or the~~
10 ~~commissioner,~~) shall certify, under official seal, a transcript of all
11 entries in the records of the board, (~~(or the commissioner,~~) together
12 with all processes, pleadings and other papers relating to and on file
13 in the case, except evidence used in such proceedings, and file such
14 transcript and papers, at the expense of the applicant, with the clerk
15 of the court to which the appeal is taken. The hearing and trial of
16 said appeal in the superior court shall be de novo before the court,
17 without a jury, upon the pleadings and papers so certified, but the
18 court may order the pleadings to be amended, or new and further
19 pleadings to be filed. Costs on appeal shall be awarded to the
20 prevailing party as in actions commenced in the superior court, but no
21 costs shall be awarded against the state(~~(,)~~) or the land board(~~(, or~~
22 ~~the commissioner)~~). Should judgment be rendered against the appellant,
23 the costs shall be taxed against him or her and his or her sureties on
24 the appeal bond, except when the state is the only adverse party, and
25 shall be included in the judgment, upon which execution may issue as in
26 other cases. Any party feeling himself or herself aggrieved by the
27 judgment of the superior court may seek appellate review as in other
28 civil cases. Unless appellate review of the judgment of the superior
29 court is sought, the clerk of said court shall, on demand, certify,
30 under his or her hand and the seal of the court, a true copy of the
31 judgment, to the board, (~~(or the commissioner,~~) which judgment shall
32 thereupon have the same force and effect as if rendered by the board(~~(, or~~
33 ~~the commissioner)~~). In all cases of appeals from orders or
34 decisions of the (~~(commissioner of public lands)~~) land board involving
35 the prior right to purchase tidelands of the first class, if the appeal
36 be not prosecuted, heard and determined, within two years from the date
37 of the appeal, the attorney general shall, after thirty days' notice to
38 the appellant of his or her intention so to do, move the court for a
39 dismissal of the appeal, but nothing herein shall be construed to

1 prevent the dismissal of such appeal at any time in the manner provided
2 by law.

3 **Sec. 90.** RCW 79.01.612 and 1993 c 49 s 1 are each amended to read
4 as follows:

5 (1) Except as provided in subsection (2) of this section, the
6 department of natural resources shall manage and control all lands
7 acquired by the state by escheat or under chapter 79.66 RCW and all
8 lands acquired by the state by deed of sale or gift or by devise,
9 except such lands which are conveyed or devised to the state to be used
10 for a particular purpose. The department shall lease the lands in the
11 same manner as school lands. When the department determines to sell
12 the lands, they shall be initially offered for sale either at public
13 auction or direct sale to public agencies as provided in this chapter.
14 If the lands are not sold at public auction, the department may, with
15 approval of the land board (~~((of natural resources))~~), market the lands
16 through persons licensed under chapter 18.85 RCW or through other
17 commercially feasible means at a price not lower than the land's
18 appraised value and pay necessary marketing costs from the sale
19 proceeds. Necessary marketing costs includes reasonable costs
20 associated with advertising the property and paying commissions. The
21 proceeds of the lease or sale of all such lands shall be deposited into
22 the appropriate fund in the state treasury in the manner prescribed by
23 law, except if the grantor in any such deed or the testator in case of
24 a devise specifies that the proceeds of the sale or lease of such lands
25 be devoted to a particular purpose, such proceeds shall be so applied.
26 The department may employ agents to rent any escheated, deeded, or
27 devised lands, or lands acquired under chapter 79.66 RCW, for such
28 rental and time and in such manner as the department directs, but the
29 property shall not be rented by such agent for a longer period than one
30 year and no tenant is entitled to compensation for any improvement
31 which he or she makes on such property. The agent shall cause repairs
32 to be made to the property as the department directs, and shall deduct
33 the cost thereof, together with such compensation and commission as the
34 department authorizes, from the rentals of such property and the
35 remainder which is collected shall be transmitted monthly to the
36 department of natural resources.

37 (2) When land is acquired by the state by escheat which because of
38 its location or features may be suitable for park purposes, the

1 department shall notify the state parks and recreation commission. The
2 department and the commission shall jointly evaluate the land for its
3 suitability for park purposes, based upon the features of the land and
4 the need for park facilities in the vicinity. Where the department and
5 commission determine that such land is suitable for park purposes, it
6 shall be offered for transfer to the commission, or, in the event that
7 the commission declines to accept the land, to the local jurisdiction
8 providing park facilities in that area. When so offered, the payment
9 required by the recipient agency shall not exceed the costs incurred by
10 the department in managing and protecting the land since receipt by the
11 state.

12 (3) The department may review lands acquired by escheat since
13 January 1, 1983, for their suitability for park purposes, and apply the
14 evaluation and transfer procedures authorized by subsection (2) of this
15 section.

16 **Sec. 91.** RCW 79.01.628 and 1987 c 20 s 6 are each amended to read
17 as follows:

18 Leases for prospecting purposes may be for a term of up to seven
19 years from the date of the lease. The lessee shall pay an annual lease
20 rental as set by the land board (~~((of natural resources))~~). The annual
21 lease rental shall be paid in advance. The lessee shall not have the
22 right to extract and remove for commercial sale or use from the leased
23 premises any minerals or specified materials found on the premises
24 except upon obtaining a mining contract. The lessee shall perform
25 annual prospecting work in cost amounts as set by the land board (~~((of natural resources))~~). The lessee may make payment to the department in
26 lieu of the performance of annual prospecting work for up to three
27 years during the term of the lease. Prospecting work performed must
28 contribute to the mineral evaluation of the leased premises.

30 The lessee may at any time give notice of intent to terminate the
31 lease if all of the covenants of the lease including reclamation are
32 met. The notice of termination of lease shall be made by giving
33 written notice together with copies of all information obtained from
34 the premises. The lease shall terminate sixty days thereafter if all
35 arrears and sums which are due under the lease up to the time of
36 termination have been paid.

1 **Sec. 92.** RCW 79.01.644 and 1987 c 20 s 12 are each amended to read
2 as follows:

3 Mining contracts entered into as provided in chapter 79.01 RCW
4 shall provide for the payment to the state of production royalties as
5 set by the land board (~~((of natural resources))~~). A lessee shall pay in
6 advance annually a minimum royalty which shall be set by the land board
7 (~~((of natural resources))~~). The minimum royalty shall be allowed as a
8 credit against production royalties due during the contract year.

9 **Sec. 93.** RCW 79.01.651 and 1987 c 20 s 15 are each amended to read
10 as follows:

11 The department may issue permits for recreational mineral
12 prospecting in designated areas containing noneconomic mineral
13 deposits. The term of a permit shall not exceed one year. Designated
14 areas, equipment allowed, methods of prospecting, as well as other
15 appropriate permit conditions, shall be set in rules adopted by the
16 department. Fees shall be set by the land board (~~((of natural~~
17 ~~resources))~~).

18 **Sec. 94.** RCW 79.01.652 and 1927 c 255 s 163 are each amended to
19 read as follows:

20 The (~~((commissioner of public lands))~~) land board is authorized to
21 execute option contracts and leases for the mining and extraction of
22 coal from any public lands of the state, or to which it may hereafter
23 acquire title, or from any lands sold or leased by the state the
24 minerals of which have been reserved by the state.

25 **Sec. 95.** RCW 79.01.656 and 1927 c 255 s 164 are each amended to
26 read as follows:

27 Any citizen of the United States believing coal to exist upon any
28 of the lands described in the preceding section may apply to the
29 (~~((commissioner of public lands))~~) land board for an option contract for
30 any amount not exceeding one section for prospecting purposes, such
31 application to be made by legal subdivision according to the public
32 land surveys. The applicant shall pay to the (~~((commissioner of public~~
33 ~~lands))~~) land board, at the time of filing his or her application, the
34 sum of one dollar an acre for the lands applied for, but in no case
35 less than fifty dollars. In case of the refusal of the
36 (~~((commissioner))~~) land board to execute an option contract for the

1 lands, any remainder of the sum so paid, after deducting the expense
2 incurred by the (~~commissioner~~) land board in investigating the
3 character of the land, shall be returned to the applicant.

4 **Sec. 96.** RCW 79.01.660 and 1927 c 255 s 165 are each amended to
5 read as follows:

6 Upon the filing of any such application, the (~~commissioner of~~
7 ~~public lands~~) land board shall forthwith investigate the character of
8 the lands applied for, and if, from such investigation, (~~he~~) the land
9 board deems it to the best interests of the state (~~he~~) it shall enter
10 into an option contract with the applicant.

11 The holder of any option contract shall be entitled, during the
12 period of one year from the date thereof, to enter upon the lands and
13 carry on such work of exploration, examination and prospecting for coal
14 as may be necessary to determine the presence of coal upon the lands
15 and the feasibility of mining the same. (~~He~~) The holder shall have
16 the right to use such timber found upon the lands and owned by the
17 state as may be necessary for steam purposes and timbering in the
18 examination and prospecting of such lands: PROVIDED, That this
19 provision shall not be construed to require the state to withhold any
20 such timber from sale. No coal shall be removed from such lands during
21 the period of such option contract except for samples and testing. At
22 the expiration of the option contract, the applicant shall fill or
23 cover in a substantial manner all prospect holes and shafts, or
24 surround the same with substantial fences, and shall file with the
25 (~~commissioner of public lands~~) land board a report showing in detail
26 the result of his or her investigation and prospecting.

27 **Sec. 97.** RCW 79.01.668 and 1985 c 459 s 1 are each amended to read
28 as follows:

29 At any time during the life of the option contract, the holder
30 thereof may apply to the (~~commissioner of public lands~~) land board
31 for a coal mining lease of the lands included therein, or such portion
32 thereof as he or she may specify, for the purpose of mining and
33 extraction of coal therefrom. Such coal mining lease shall be for such
34 term, not more than twenty years, and in such form as may be prescribed
35 by the (~~commissioner of public lands~~) land board, shall entitle the
36 lessee to mine and sell and dispose of all coal underlying said lands
37 and to occupy and use so much of the surface thereof as may be

1 necessary for bunkers and other outside works, and for railroads,
2 buildings, appliances and appurtenances in connection with the mining
3 operations. Such lease shall provide for the payment to the state of
4 a royalty, according to the grade of coal, for each ton of two thousand
5 pounds of merchantable coal taken from the lands, as follows: For
6 lignite coal of the class commonly found in Lewis and Thurston
7 counties, not less than ten cents per ton; for subbituminous coal, not
8 less than fifteen cents per ton; for high grade bituminous and coking
9 coals, not less than twenty cents per ton; but such lease shall provide
10 for the payment each year of a minimum royalty of not less than one nor
11 more than ten dollars an acre for the lands covered thereby: PROVIDED,
12 That the ((~~commissioner of public lands~~)) land board may agree with the
13 lessee that said minimum royalty shall be graduated for the different
14 years of said lease so that a lower minimum royalty shall be paid
15 during the earlier years of the term. The minimum royalty fixed in the
16 lease shall be paid in advance each year, and the lessee, at stated
17 periods during the term of the lease, fixed by the ((~~commissioner~~))
18 land board, shall furnish to the ((~~commissioner of public lands~~)) land
19 board a written report under oath showing the amount of merchantable
20 coal taken from the land during the period covered by such report and
21 shall remit therewith such sum in excess of the minimum royalty
22 theretofore paid for the current year as may be payable as royalty for
23 the period covered by such report.

24 The ((~~commissioner~~)) land board shall incorporate in every lease
25 such provisions and conditions not inconsistent with the provisions of
26 this chapter and not inconsistent with good coal mining practice as
27 ((~~he~~)) it shall deem necessary and proper for the protection of the
28 state, and, in addition thereto, the ((~~commissioner~~)) land board shall
29 be empowered to prescribe such rules and regulations, not inconsistent
30 with this chapter and not inconsistent with good mining practice,
31 governing the manner and methods of mining as in ((~~his~~)) its judgment
32 are necessary and proper.

33 **Sec. 98.** RCW 79.01.672 and 1927 c 255 s 168 are each amended to
34 read as follows:

35 In the case of lands known to contain workable coal, the
36 ((~~commissioner~~)) land board may, in ((~~his~~)) its discretion, issue coal
37 mining leases under the foregoing provisions although no option
38 contract has been theretofore issued for such lands.

1 **Sec. 99.** RCW 79.01.676 and 1927 c 255 s 169 are each amended to
2 read as follows:

3 The (~~commissioner of public lands or any person designated by~~
4 ~~him~~) department shall have the right at any time to enter upon the
5 lands and inspect and examine the structures, works and mines situated
6 thereon, and shall also have the right to examine such books, records
7 and accounts of the lessee as are directly connected with the operation
8 of the mine on the property under lease from the state; but it shall be
9 unlawful for the (~~commissioner or any person so appointed~~) department
10 to disclose any information thus obtained to any person other than the
11 (~~commissioner of public lands~~) land board and (~~his~~) its employees,
12 except the attorney general and prosecuting attorneys of the state.

13 **Sec. 100.** RCW 79.01.680 and 1927 c 255 s 170 are each amended to
14 read as follows:

15 The state shall have the right to sell or otherwise dispose of any
16 timber, stone or other valuable materials, except coal, found upon the
17 land during the period covered by any option contract, or lease issued
18 under the foregoing provisions, with the right to enter upon such lands
19 and cut and remove the same, and shall not be obliged to withhold from
20 sale any timber for coal mining or prospecting purposes: PROVIDED,
21 That the lessee shall be permitted to use in his or her mining
22 operations any timber found upon the land, first paying therefor to the
23 (~~commissioner of public lands~~) land board the value thereof as fixed
24 by (~~said commissioner~~) the land board: AND PROVIDED FURTHER, That
25 any bill of sale for the removal of timber, stone or other material
26 given subsequent to the coal lease shall contain provisions preventing
27 any interference with the operations of the coal lease.

28 **Sec. 101.** RCW 79.01.684 and 1927 c 255 s 171 are each amended to
29 read as follows:

30 Should the lessee for any reason, except strikes or inability to
31 mine or dispose of (~~his~~) output without loss, suspend mining
32 operations upon the lands included in (~~his~~) the lease, or upon any
33 contiguous lands operated by (~~him~~) the lessee in connection
34 therewith, for a period of six months, or should the lessee for any
35 reason suspend mining operations upon the lands included in (~~his~~) the
36 lease or in such contiguous lands for a period of twelve months, the
37 (~~commissioner of public lands~~) land board may, at (~~his~~) its option,

1 cancel the lease, first giving thirty days' notice in writing to the
2 lessee.

3 The lessee shall have the right to terminate the lease after thirty
4 days' written notice to the ~~((commissioner of public lands))~~ land board
5 and the payment of all royalties and rentals then due.

6 **Sec. 102.** RCW 79.01.692 and 1927 c 255 s 173 are each amended to
7 read as follows:

8 If at the expiration of any lease for the mining and extraction of
9 coal or any renewal thereof the lessee desires to re-lease the lands
10 covered thereby, ~~((he))~~ the lessee may make application to the
11 ~~((commissioner of public lands))~~ land board for a re-lease. Such
12 application shall be in writing and under oath, setting forth the
13 extent, character and value of all improvements, development work and
14 structures existing upon the land. The ~~((commissioner of public~~
15 ~~lands))~~ land board may on the filing of such application cause the
16 lands to be inspected, and if ~~((he))~~ the land board deems it for the
17 best interests of the state to re-lease said lands, ~~((he))~~ it shall fix
18 the royalties for the ensuing term in accordance with the foregoing
19 provisions relating to original leases, and issue to the applicant a
20 renewal lease for a further term; such application for a release when
21 received from the lessee, or successor of any lessee, who has in good
22 faith developed and improved the property in a substantial manner
23 during his or her original lease to be given preference on equal terms
24 against the application of any new applicant.

25 **Sec. 103.** RCW 79.01.704 and 1989 c 373 s 26 are each amended to
26 read as follows:

27 In all hearings pertaining to public lands of the state, as
28 provided by this chapter, the land board ~~((of natural resources, or the~~
29 ~~commissioner of public lands, as the case may be,))~~ shall, in its ~~((or~~
30 ~~his))~~ discretion have power to issue subpoenas and compel thereby the
31 attendance of witnesses and the production of books and papers, at such
32 time and place as may be fixed by the board ~~((, or the commissioner,))~~
33 to be stated in the subpoena and to conduct the examination thereof.

34 The subpoena may be served by the sheriff of any county, or by any
35 officer authorized by law to serve process, or by any person eighteen
36 years of age or over, competent to be a witness, but who is not a party
37 to the matter in which the subpoena is issued.

1 Each witness subpoenaed by the board(~~((, or commissioner,))~~) as a
2 witness on behalf of the state, shall be allowed the same fees and
3 mileage as provided by law to be paid witnesses in courts of record in
4 this state, said fees and mileage to be paid by warrants on the general
5 fund from the appropriation for the office of the (~~commissioner of~~
6 ~~public lands~~) land board.

7 Any person duly served with a subpoena who fails to obey the same,
8 without legal excuse, shall be considered in contempt. The land
9 board(~~((, or commissioner,))~~) shall certify the facts thereof to the
10 superior court of the county in which such witness may reside for
11 contempt of court proceedings as provided in chapter 7.21 RCW. The
12 certificate of the board(~~((, or commissioner,))~~) shall be considered by
13 the court as prima facie evidence of the contempt.

14 **Sec. 104.** RCW 79.01.708 and 1988 c 128 s 57 are each amended to
15 read as follows:

16 All maps, plats and field notes of surveys, required to be made by
17 this chapter shall, after approval by the department of natural
18 resources(~~((, or the commissioner of public lands, as the case may be,))~~)
19 be deposited and filed in the office of the (~~commissioner of public~~
20 ~~lands~~) land board, who shall keep a careful and complete record and
21 index of all maps, plats and field notes of surveys in (~~(his)~~) its
22 possession, in well bound books, which shall at all times be open to
23 public inspection.

24 **Sec. 105.** RCW 79.01.712 and 1988 c 128 s 58 are each amended to
25 read as follows:

26 All notices, orders, contracts, certificates, rules and
27 regulations, or other documents or papers made and issued by or on
28 behalf of the department of natural resources(~~((, or the commissioner of~~
29 ~~public lands,))~~) as provided in this chapter, shall be authenticated by
30 a seal whereon shall be the vignette of George Washington, with the
31 words "Seal of the (~~commissioner of public lands~~) land board, State
32 of Washington."

33 **Sec. 106.** RCW 79.01.720 and 1979 ex.s. c 109 s 18 are each amended
34 to read as follows:

35 The (~~commissioner of public lands~~) department of natural
36 resources for services performed by (~~(him)~~) it, may charge and collect

1 fees as determined by the land board (~~((of natural resources))~~) for each
2 category of services performed based on costs incurred.

3 **Sec. 107.** RCW 79.01.732 and 1927 c 255 s 193 are each amended to
4 read as follows:

5 The (~~((commissioner of public lands))~~) land board is authorized and
6 directed to appear before the United States land offices in all cases
7 involving the validity of the selections of any lands granted to the
8 state, and to summon witnesses and pay necessary witness fees and
9 stenographer fees in such contested cases.

10 **Sec. 108.** RCW 79.01.736 and 1959 c 257 s 40 are each amended to
11 read as follows:

12 It shall be the duty of the attorney general, to institute, or
13 defend, any action or proceeding to which the state(~~((, or the~~
14 ~~commissioner of public lands,~~)) or the land board (~~((of natural~~
15 ~~resources))~~), is or may be a party, or in which the interests of the
16 state are involved, in any court of this state, or any other state, or
17 of the United States, or in any department of the United States, or
18 before any board or tribunal, when requested so to do by (~~((the~~
19 ~~commissioner of public lands, or))~~) the land board (~~((of natural~~
20 ~~resources))~~), or upon his or her own initiative.

21 The (~~((commissioner of public lands))~~) land board is authorized to
22 represent the state in any such action or proceeding relating to any
23 public lands of the state.

24 **Sec. 109.** RCW 79.01.744 and 1987 c 505 s 76 are each amended to
25 read as follows:

26 (1) It shall be the duty of the (~~((commissioner of public lands))~~)
27 land board to report, and recommend, to each session of the
28 legislature, any changes in the law relating to the methods of handling
29 the public lands of the state that (~~((he))~~) it may deem advisable.

30 (2) The (~~((commissioner of public lands))~~) land board shall provide
31 a comprehensive biennial report to reflect the previous fiscal period.
32 The report shall include, but not be limited to, descriptions of all
33 department activities including: Revenues generated, program costs,
34 capital expenditures, personnel, special projects, new and ongoing
35 research, environmental controls, cooperative projects,
36 intergovernmental agreements, the adopted sustainable harvest compared

1 to the sales program, and outlines of ongoing litigation, recent court
2 decisions and orders on major issues with the potential for state
3 liability. The report shall describe the status of the resources
4 managed and the recreational and commercial utilization. The report
5 shall be given to the chairs of the house and senate committees on ways
6 and means and the house and senate committees on natural resources,
7 including one copy to the staff of each of the committees, and shall be
8 made available to the public.

9 **Sec. 110.** RCW 79.01.778 and 1971 ex.s. c 200 s 4 are each amended
10 to read as follows:

11 In those cases where the purchases, as authorized by RCW 79.01.770
12 and 79.01.774, have been made on a ten year contract, the land board
13 (~~((of natural resources,))~~) if it deems it in the best interest of the
14 state, may extend the term of any such contract to not to exceed an
15 additional ten years under such terms and conditions as the land board
16 may determine.

17 **Sec. 111.** RCW 79.01.780 and 1971 ex.s. c 200 s 5 are each amended
18 to read as follows:

19 Notwithstanding any other provisions of law, annually the land
20 board (~~((of natural resources))~~) shall determine if lands purchased or
21 leased by school districts or institutions of higher education under
22 the provisions of RCW 79.01.096 and 79.01.770 are being used for school
23 sites. If such land has not been used for school sites for a period of
24 seven years, the title to such land shall revert to the original trust
25 for which it was held.

26 NEW SECTION. **Sec. 112.** The following acts or parts of acts are
27 each repealed:

- 28 (1) RCW 43.12.010 and 1965 c 8 s 43.12.010;
29 (2) RCW 43.30.050 and 1965 c 8 s 43.30.050;
30 (3) RCW 43.30.060 and 1965 c 8 s 43.30.060;
31 (4) RCW 79.01.056 and 1927 c 255 s 14; and
32 (5) RCW 79.01.724 and 1979 ex.s. c 109 s 19 & 1927 c 255 s 191.

33 NEW SECTION. **Sec. 113.** The staff of the appropriate house of
34 representatives and senate committees shall work with the code reviser
35 to identify additional statutory changes necessary to substitute the

1 land board for the board of natural resources and the commissioner of
2 public lands. The committee staff shall report to the legislature on
3 necessary changes by December 1, 1996, for consideration by the
4 legislature during the 1997 legislative session.

5 NEW SECTION. **Sec. 114.** RCW 43.12.045 is recodified in chapter
6 43.30 RCW.

7 NEW SECTION. **Sec. 115.** Sections 1 through 112 of this act shall
8 take effect July 1, 1997.

--- END ---